



JUDICIARY BRANCH OF GOVERNMENT

SUPREME COURT OF LIBERIA

TEMPLE OF JUSTICE

MONROVIA, LIBERIA



REPORT

JUDICIAL RETREAT 2017

The First Judicial Retreat

On

STRENGTHENING THE RULE OF LAW THROUGH ENHANCED JUDICIAL PERFORMANCE

DATE: MAY 17-22, 2017

VENUE: 9TH JUDICIAL CIRCUIT COURT
GBARNGA CITY, BONG COUNTY
REPUBLIC OF LIBERIA

TABLE OF CONTENTS

INTRODUCTION	Her Honor Jamesetta H. Wolokolie	6
MEMBERS OF THE HONORABLE SUPREME COURT BENCH		7
REMARKS MADE BY HIS HONOR FRANCIS S. KORKPOR, SR.....		8
REMARKS MADE BY Hon. Selena Polson Mappy.....		13
REMARKS MADE BY: <u>Mr.</u> Thomas Doe Nah.....		16
REMARKS MADE BY: <u>Hon.</u> Cllr. Frederick D. Cherue		18
DAY ONE (1) Thursday, May 18, 2017.		21
BUSINESS SESSION.....		21
TOPIC 1: ARBITRATION AND INVESTIGATIVE SURVEY IN EJECTMENT CASES		21
WHAT IS ARBITRATION ?		21
KINDS OF ARBITRATION		21
COMMERCIAL ARBITRATION.....		22
EJECTMENT ARBITRATION.....		22
ARBITRATION v. INVESTIGATIVE SURVEY		23
CHARACTERISTICS OF INVESTIGATIVE SURVEY:.....		23
CONCLUSION.....		24
DISCUSSIONS AND CONCLUSIONS.		24
TOPIC 2. APPEAL BOND –		25
THE PROBLEM FROM A JUDICIAL PERSPECTIVE		25
DISCUSSIONS AND CONCLUSIONS.		38
TOPIC 3. SENTENCING		38
DISCUSSIONS AND CONCLUSIONS.		49
DAY TWO (2) Friday, May 19, 2017 BUSINESS SESSION		50
TOPIC. 4 RELIEF FROM JUDGEMENT		50
RELIEF FROM JUDGMENT: STATUTORY DEFINITION. (1LCLR, 41.7)		50
CASE LAW APPLICATION.....		51
<i>Stubblefield v. Nasseh</i> , 25 LLR 24, 30-31 (1976)		51
PROCEDURE FOR FILING FOR RELIEF FORM JUDGMENT: WHEN, WHERE & HOW		51
SUPREME COURT OPINIONS:.....		51
ISSUE #1:		54
ISSUE #2	54	

ISSUE #3	54
DISCUSSIONS AND CONCLUSIONS.	54
TOPIC 5. CHALLENGES IN THE EFFECTIVE IMPLEMENTATION OF THE JURY LAW the Jury Law	55
TOPIC 6. EFFECTIVE COURTROOM MANAGEMENT AND PROCEDURES	56
INTRODUCTION.	56
Court - Last Place of Hope.	56
Duty of a Judge.	56
<i>What is the application of this principle in the face of influence and other factors?</i>	57
Promptness.	57
To what level might a judge who is always late undermine effective management of his/her court? ..	57
Independence.....	57
<i>What might be the role of the Judiciary whose justices and judges are seemingly subjects of smear campaigns?</i>	57
Court's Organization.....	57
<i>How might a judge undermine his/her authority to effectively manage his/her court due the level of sociability with staff?</i>	57
Courtesy and Civility.	57
<i>How does the lack of courtesy by court personnel towards persons in contact or conflict with the law impact the effective administration of the law?</i>	57
Correcting improper conduct.	57
<i>To what extend does a judge's corrective measure overturned by the Honorable Supreme Court handicaps effective court room management and procedures?</i>	57
Interference by Judge.....	57
<i>What might a judge do when it is obvious that manifest injustice will obtain if counsel is not interrupted during arguments, especially in jury trials?</i>	58
Quirks and Contradictions.	58
<i>Is the judge's ruling although supported by law, not shaped by experiences, education, public policy, etc.,?</i>	58
Conduct of Proceedings.....	58
What do we imagine is the effect on witnesses, litigant, jurors and entire proceedings of an oath frivolously administered?.....	58
Judicial Opinions.	58
Summary of Judicial Obligation.	58
Key Findings.	59

RECOMMENDATIONS.....	59
CONCLUSION.....	60
DISCUSSIONS AND CONCLUSIONS.....	60
PART II: ROUNDTABLE DISCUSSION:.....	60
2.1 Talking Points.....	61
1. PRE-TRIAL DETENTION: (ISSUES).....	61
DISCUSSIONS AND CONCLUSIONS.....	61
2. COURT FEES & FINES: (ISSUES)	61
DISCUSSIONS AND CONCLUSIONS.....	62
3. INCARCERATING DEFENDANTS IN ACTION OF DEBT (CPLR sec. 44.1): (ISSUE)	62
DISCUSSIONS AND CONCLUSIONS.....	62
4. JUDICIAL CORRUPTION: (ISSUE)	62
DISCUSSIONS AND CONCLUSIONS.....	63
5. DELAYS AND INEFFECTIVENESS IN HANDLING MATTERS IN MAGISTERIAL COURTS: (ISSUES).....	63
DISCUSSIONS AND CONCLUSIONS.....	63
6. JUDICIAL ORDERS & THEIR IMPLEMENTATION: (ISSUE).....	64
DISCUSSIONS AND CONCLUSIONS.....	64
7. TREATMENT OF MAGISTRATES BY JUDGES & OF JUDGES BY JUSTICES: (ISSUE).....	64
DISCUSSIONS AND CONCLUSIONS.....	64
2.2 CHARTING THE WAY FORWARD	65
RESOLUTIONS ADOPTED AT THE JUDICIAL RETREAT FOR JUSTICES AND JUDGES	66
APPENDIX I: JUDICIAL RETREAT 2017- VARIOUS COMMITTEES AND MEMBERSHIP	71
1.1 COORDINATING COMMITTEE:.....	71
1.2 REPORT & RESOLUTION COMMITTEE:.....	71
1.3 SECRETARIAT:.....	71
1.7 PROGRAM SUPPORT:	71
2.1 JUSTICES, HONORABLE SUPREME COURT, R.L.....	72
2.2 CIRCUIT & SPECIALIZED COURT JUDGES: 1 ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY,	72
2.2 CIRCUIT & SPECIALIZED COURT JUDGES: 1 ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY,.....	73
2.3 STIPENDIARY MAGISTRATES, 1 ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY	73
2.4 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	74

2ND JUDICIAL CIRCUIT, GRAND BASSA COUNTY	74
2.5 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	74
3RD JUDICIAL CIRCUIT, SINOE COUNTY.....	74
2.6 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	75
4TH JUDICIAL CIRCUIT, MARYLAND COUNTY.....	75
2.7 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	75
5TH JUDICIAL CIRCUIT, GRAND CAPE MOUNT COUNTY.....	75
2.8 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	75
6TH JUDICIAL CIRCUIT, MONTSERRADO COUNTY	76
2.9 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	76
7TH JUDICIAL CIRCUIT, GRAND GEDEH COUNTY	76
2.10 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	77
8TH JUDICIAL CIRCUIT, NIMBA COUNTY.....	77
2.11 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	77
9TH JUDICIAL CIRCUIT, BONG COUNTY.....	77
2.12 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	78
10TH JUDICIAL CIRCUIT, LOFA COUNTY	78
2.13 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	78
11TH JUDICIAL CIRCUIT, BOMI COUNTY	78
2.14 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	79
12TH JUDICIAL CIRCUIT, GRAND KRU COUNTY.....	79
2.15 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	80
2.16 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	80
14TH JUDICIAL CIRCUIT, RIVERCESS COUNTY.....	80
2.17 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	80
15TH JUDICIAL CIRCUIT, RIVERGEE COUNTY.....	81
2.18 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.	81
16TH JUDICIAL CIRCUIT, GBARPOLU COUNTY.....	81

**ASSOCIATE JUSTICE
RETREAT OVERSIGHT JUSTICE
SUPREME COURT OF LIBERIA**

For more than a decade, Liberia experienced a devastating civil war. The causes of the civil war were, amongst others, attributed to a weak and impartial judicial system that served at the whims and caprices of the governments in power. After several years of instability under successive interim governments during the war years, the current democratically elected Government has embarked on providing support to address some core problems and challenges in order to build a strong independent and credible Judiciary. Consequently, the Judiciary is undertaking reform programs. This is yielding the desired results.

Today, more and more Liberians, as well as foreign nationals within our borders look to the Judiciary as a beacon of hope for the fair and impartial dispensation of justice. We can safely say that the public is gradually reposing confidence in the Judiciary. This trend must continue, especially ahead of the ensuing National Presidential and General Elections. In this regard, we must ensure that certain indispensable values and virtues, such as courage, independence, impartiality, courtesy and patience, punctuality, thoroughness and decisiveness continue to guide the conduct of judicial proceedings at all times.

A retreat for justice and judges is necessary at this time to chart a course and reflect on the clear path forward. For the next three days, we will be involved in intense, frank and objective discussions of some key areas in the dispensation of justice. We must together, harmonize views on these areas that impact our work as judges.

The three-day retreat is intended purposely for creating an environment in which:

1. All judges can sincerely retrospect on their respective roles and responsibilities in enhancing the work of the Judiciary;
2. Judges can discuss their shortcomings and seek ways to improve and commit themselves to the ideal of dispensing justice fairly, regardless of affiliation, creed and ethnicity; and
3. Judges can agree that working collectively, they can dispel the negative notions and perceptions of the Judiciary and thereby uphold the rule of law.

MEMBERS OF THE HONORABLE SUPREME COURT BENCH



**His Honor Francis S. Korkpor, Sr.
CHIEF JUSTICE**



**His Honor Kabineh M. Ja'neh
ASSOCIATE JUSTICE**



**Her Honor Jamesetta H. Wolokolie
ASSOCIATE JUSTICE**



**His Honor Philip A. Z. Banks, III
ASSOCIATE JUSTICE**



**Her Honor Sie-A-Nyene G. Yuoh
ASSOCIATE JUSTICE**



**REMARKS MADE BY HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
AT A JUDICIAL RETREAT IN GBARNGA, BONG COUNTY
MAY 17, 2017**

My Colleagues of the Supreme Court Bench;

Mr. Attorney General/Minister of Justice and Dean of the Supreme Court Bar;

Members of the Legislative Caucus of Bong County;

H.E. the DSRSG for Political Affairs & Rule of Law, UNMIL;

Madam Court Administrator;

The President & Members of the National Association of Trial Judges of Liberia;

Circuit & Specialized Court Judges;

Madam Superintendent and other Officials of the Local Government of Bong County;

Magistrates;

Staff of the Judiciary;

Members of the Press;

Distinguished Ladies & Gentlemen:

I am delighted to welcome all of you to this Judicial Retreat for Justices and Judges. We thank God Almighty for the safe arrival of everyone, especially those of our judges who travelled from very far distances. We entreat God's continued blessings and guidance on us all during our stay in this beautiful City of Gbarnga, Bong County.

This retreat is very necessary at this time; in fact in my estimation, it is overdue. From time to time, the Supreme Court, as head of the Judiciary, meets with component units, sections and segments of the Judiciary in administering the affairs of this Branch of Government. In the past, we have conducted National Judicial Conferences and jointly participated in many criminal justice workshops and seminars with other stakeholders in the justice sector, including the Ministry of Justice and the Liberian National Bar Association.

But there has never been a conference, workshop or seminar named and styled judicial retreat, like the one we are having today, exclusively designed for Justices and Judges. So, this gathering is the first of its kind in the history of the Liberian Judiciary.

We thank the Government for providing the greater portion of the funds required for this retreat; and we thank UNMIL for its kind assistance in making the remaining balance funding available. We also thank our distinguished Colleague, Madam Justice Jamesetta Howard Wolokolie for serving as the Chairperson for the planning of this Retreat. And lastly, we thank the Court Administrator, Cllr. Elizabeth B. Nelson and the Retreat Coordinating Committee headed by Attorney Sandra K. Howard and all support staff of the Judiciary for working assiduously to get us here.

We have selected as the theme for this retreat: "Strengthening the Rule of Law in Liberia through Enhanced Judicial Performance". We believe that given the objective of this retreat and what we hope to achieve, this theme is very appropriate. In a nutshell, the overall objective of this retreat is for us Justices and Judges to critically retrospect on our individual and collective duties and responsibilities, frankly discuss our shortcomings, seek ways to improve and recommit ourselves to dispensing justice fairly, impartially and in a timely manner.

The hosting of this Judicial Retreat at this time was purposely designed. Ahead of the ensuing Presidential and General Elections in October this year, the Judiciary must remain on course and ensure that certain core values and virtues such as courage, independence, punctuality, impartiality, thoroughness and decisiveness, etc., continue to guide and attend judicial proceedings at all times. These are essential tenets and attributes of transparent justice which we must meticulously uphold.

My Colleagues, distinguished ladies and gentlemen, our branch of government, the Judiciary Branch of Government is an important pillar of democracy; it is the anchor which holds a civilized government in balance. It has been said and rightfully so, that without a strong and independent Judiciary, “vested interest might suffer, sacred rights might be violated, constituted authority might be challenged, and in time, administrative chaos could result.” The role of the Judiciary is therefore very sacrosanct in upholding the rule of law and sustaining a democracy.

Our nation is today at the crossroad; we are in an election year. Our courts have an extremely important role to keep our country stable and ensure a peaceful transfer of power from this Government to another democratically elected government. Over the years, the Judiciary has subtly played a pivotal role in the reconciliation and healing process of our country. Ours is manifested through the fair application of the rule of law to ensure the protection of all. We are quite aware that in order to avoid recourse to dissent and rebellion as experienced in our recent past, the rule of law must be based on the principle of justice where freedom of the individual is guaranteed. The rule of law must provide a framework for the exercise of free choice and equal opportunity; this in turn, will give rise to the growth and development of a nation. So, we in the Judiciary must always remain focused, be on top of our game and be fair in our judicial actions and decisions.

We must fear nothing and favor none, regardless of what or who is involved. Ours is therefore an onerous responsibility. Come what may, we must remain strong and committed in order to safeguard our nation and protect the aggrieved party litigants who come to us seeking justice. We cannot afford to falter or fail because the failure of a judiciary can produce a chilling and calamitous effect on a nation.

It is important that we abstain from all political frays and alignments at all times, especially during this election year in order to remain above reproach and uphold our independence and neutrality. It is important that by our judicial actions and decisions, we create an enabling environment for the free and fair conduct of the ensuing elections.

In our country today, many Liberians and foreign nationals within our borders are looking more and more up to the Judiciary as the rampart on which they can climb and seek refuge from within when in distress from unlawful intruders and violators of their rights. More and more people are relying on the courts. This is good; as this is a clear signal that the people are regaining trust and confidence in the Judicial System as a forum for the fair adjudication of disputes. Instead of taking the laws into their hands, it is better for the people to seek redress through the courts. We must ensure that this trend continues against the backdrop that the rule of law is the best security a nation can have.

For three days, we will be involved in intense discussions concerning some key areas in the law that impact our works as judges. As I have said, we will be frank but fair in our exchanges. While maintaining cordial relations amongst and with ranking members of the Judiciary, it is necessary that we lower the veil of justices and judges and disagree at this Retreat in order to agree. In other words, Circuit and Specialized Court Judges do not have to agree with me because I am the Chief Justice; or with the Associate Justices because they are Associate Justices; and the Magistrates do not have to agree with the Circuit or Specialized Court Judges because they are their superiors. We urge all of you to firmly put forth your dispositions with the support of the law and/or precedence and you will receive the required consensus. Straight protocols and formalities will be relaxed so that together, we can all freely discuss burning issues relative to the dispensation of justice. In this regard, we wish to acknowledge receipt of a letter dated May 8, 2017, from the National Association of Trial Judges in which they have raised a number of important issues. They have sought audience with the members of the Supreme Court to have the issues raised in their letter discussed. That letter will be discussed during this Retreat.

Topics carefully selected for this Retreat include:

PART I: A REVIEW AND DISCUSSION OF KEY AREAS OF THE LAW BY THE SUPREME COURT:

TOPICS:

- 1. Elections Dispute Resolution**
- 2. Appeal Bonds**
- 3. Arbitration and Investigative Survey in Ejectment Cases**
- 4. Motion for New Trial (Is it Appealable?) (When?)**
- 5. Sentencing**
- 6. Motion for Relief from Judgement**
- 7. Challenges in the Effective Implementation of the Jury Law**
- 8. Effective Courtroom Management and Procedure**

PART II: ROUNDTABLE DISCUSSION:

2.1 Talking Points:

- 1. Pre-Trial Detention**
- 2. Court Costs Fees & Fines**
- 3. Incarcerating Defendants in Debt Action (CLPR, sec. 44.1)**
- 4. Judicial Corruption**
- 5. Delays and Ineffectiveness in Handling Matters in Magisterial Courts**
- 6. Judicial Orders & their Implementation**
- 7. Treatment of Magistrates by Judges, of Judges by Justices**
- 8. Judicial Retrospect and Concerns: Coordination amongst various levels of the Judiciary**
- 9. Others**

2.2 CHARTING THE WAY FORWARD:

- 1. CONCLUSIONS**
- 2. RECOMMENDATIONS**
- 3. CLOSING CEREMONIES**

I am sure that you will find discussions in these areas of the law thought provoking and stimulating. We have directed that all discussions and exchanges of views during the business session of this retreat be held behind closed doors open only to the Justices and Judges. At the close of the Retreat, the resolutions adopted will be made known to the public through the appropriate channel. We expect the press and public to take due note of this.

Let me close these brief remarks by asking all of us to bring our best ideas to the discussions during this retreat so that together, we can chart the course and move the Judiciary forward.

Now, by the power vested in me, I hereby declare this Judicial Retreat duly opened for the dispatch of business.

I THANK YOU.

**REMARKS MADE BY Hon. Selena Polson Mappy
SUPERINTENDENT, Bong County**



The Chief Justice of the Supreme Court of Liberia, His Honor Francis S. Korkpor, Sr., and other Associate Justices;

The Minister of Justice;

The UNMIL DSRSG and entourage;

Other judges and members of the Judiciary;

Member of the Press;

Ladies and Gentlemen

On behalf of the leadership of Bong County, I will like to welcome you to our home. It is very important to have a time of reflection after a long journey, especially as we approach the October elections and the 2018 transition. Let me thank you for the opportunity to be part of this first time gathering to reflect on the work that you all do. My attention has been drawn to certain portions of the Judiciary Law of 1972, that is Sections. 7.5 & 7.6 that specifically speak to the tenure and qualification of magistrates. The court should be a place that we can run to when we feel our rights have been trampled on, and as such the system should and must be trusted. Section 7.5 states: "a magistrate should serve for a four year term." I am making this specific reference to the behavior of some of the magistrates, but it needs to be made clear as to how many four year terms they can be reappointed. Because when a magistrate stay in one place for so long, he/she feels untouchable and can do just anything. We are facing this issue with a lot of the magistrates in the county. And I am hoping that this review process can carefully consider some of these issues as it relates to magistrates.

Sec.76 also talks about the qualification of magistrates; does one only become an attorney by earning a law degree or by practicing law? We hope that after these three days of retreats some of these doubts that we as citizens and leaders of the county have will be cleared, as it is to us, our people run to when faced with these problems in the community. If we must trust the judicial system, we need to start trusting it at the level of the community.

Once again, upon behalf of the leadership of Bong, we hope you enjoy your stay and you are wholeheartedly welcome.

I thank you.



REMARKS MADE BY. H. .E. Waldemar Vrey
Deputy Special Representative of the Secretary General
For Political Affairs & Rule of Law
United Nations Mission in Liberia

The Chief Justice and Associate Justices of the Supreme Court of Liberia,
The Minister of Justice and Attorney General of the Republic of Liberia,
Circuit and Specialized Court Judges,
The Court Administrator,
Stipendiary and Associate Magistrates,
Judicial officers,
Distinguished Ladies and Gentlemen

I am delighted to be part of this opening ceremony of the 2017 Judicial Retreat, being convened here in Bong County under the theme: “Strengthening The Rule of Law In Liberia Through Enhanced Judicial Performance”.

I congratulate the Supreme Court for their leadership in arranging this Retreat and their intention for the Judiciary to use this time to reflect on key issues relating to judicial performance. On the critical role the Judiciary must play in contributing to a peaceful transfer of power in Liberia in this election year and on how to take forward national resolutions for the effective functioning of the criminal justice system.

Presidential and general elections will take place in October. Ensuring that elections are free and fair is crucial to the maintenance of peace and security in Liberia. Authorities vested with electoral functions are expected to contribute to the smooth and transparent conduct of the elections. In terms of the Judiciary, Liberians are expecting a fair and timely application of the rule of law to all cases of electoral disputes, whether in regard to the conduct of candidates or political parties or conduct of the National Elections Commission. I urge all members of the Judiciary to fully appreciate your role in ensuring ongoing peace in Liberia. I encourage you to use this time for deliberations to fully identify challenges, and learn from each other and international best practices about how to address them.

I believe that the Supreme Court could not have picked a better theme for this retreat than “Strengthening the rule of law in Liberia through enhanced judicial performance”. The 2013 National Criminal Justice Conference, co-convened by the Judiciary, highlighted systemic weaknesses of the justice system and proffered resolutions. Progress has indeed been made in some areas; recent decisions taken to suspend erring judges and lawyers are welcome for example, and will strengthen public confidence in the impartiality of the courts. However, much remains to be done. It is my hope that this retreat will provide the platform for the Judiciary to assess progress and commit to clear and defined actions to be taken, with a timeline for implementation, which will truly enhance judicial performance.

It is important to understand that an effective criminal justice system is even more essential in this year of change for Liberia. The justice system does not operate in isolation – but rather has much significance for security and peace. For example, the prevalence of pre-trial detention continues to pose a challenge. As at the end of April, 69% of the total prison population was awaiting trial and the highest numbers of pre-trial detainees are those charged with serious offenses. If a sustainable strategy for the reduction of these numbers is not put in place, the security and peace of Liberia will be at risk, even more so with the forthcoming elections and the possibility of an increase in the prison population. As members of the Judiciary you are guardians of the rights bestowed upon your fellow citizens by the Constitution, rights which should be protected for all.

In conclusion, please know that UNMIL is proud to be supporting your endeavors this week. I urge you to place uppermost in your minds, your roles in sustaining peace in Liberia and ensuring the protection of fundamental rights. Focus on what will make the Judiciary a cornerstone of the developing democratic setting in Liberia and a true advocate for the supremacy of the rule of law. Liberia and its people deserve nothing less from you.



REMARKS MADE BY:

**Mr. Thomas Doe Nah
PROGRAM OFFICER
CARTER CENTER**

Your Honor, the Chief Justice of the Supreme Court of Liberia;

Honorable Associate Justices;

Minister of Justice;

The DSRSG of UNMIL;

Judges;

Ladies and Gentlemen

The Carter Center is honored to participate in this very important occasion today, because we think it is very important for internal cohesion and coordination, and also important for building trust amongst citizens, judges and civil society. Yesterday, when I got in Gbarnga, I visited the Gbarnga Central Prison, and as I interacted with the inmates, it was very interesting that all of them felt they were not provided justice. That they were in jail because they were sent there innocently. And what occurred to me, at that point was the reflection that as we build trust amongst citizens, it does not matter whether you are inmates or you are free citizens. All segments of our society have to have trust in the Judiciary. So those inmates needed to have trust because they were behind bars because they were giving fair treatment under the law; so that was a very interesting engagement. Some of them would have been there because they committed the act. By listening to them, from a personal perspective, I would have felt that some of them were not given justice; but notwithstanding, we have to believe in the judicial process. So the process of building trust between the Judiciary and citizen is very critical. So I want to dwell on the issues of independence, integrity, transparency and accountability.

On the issue of independence, we have to be keen that citizens believe that external influences, be it political, or economic must be dealt with such that citizen will have confidence in the Judiciary. The issue of internal independence is also important, that is, to the extent to which administrative processes can come to bear on judges not to provide justice for all should also be dealt with; I hope those kinds of conversation will be held.

Integrity of judges is not only about office, but also of their private lives. The way they engage with citizens in the community is very important and critical. If you do not do that, it tends to undermine the extent to which people believe that you are dispensing justice freely and fairly.

The issue of Accountability is also important; most times, everybody speaks of accountability and transparency. I think it is quite critical, and that is why I am here. You saw the blue booklet that was provided to the judges is the Freedom to Information Act. Citizens have the right to access information from all public entities and agencies. We are very great at grafting laws, but weak in implementation. I think to build trust with citizens, they have to access information. We work with the Judiciary with specific reference to magistrates and clerks and have certificated couple of them and we have being trying to get to speak to judges and this is just an introduction and we are hoping to work with the Trial Judges Association so we talk about access to information, I think the more citizens start to understand what is happening in the court and the court can do what we term “proactive disclosure” that is, disclosure of information to citizens such that they do not have to make a request, which of course, puts the demand on the official to respond according to law, but the extent to which before they can ask, you give it to them; judicial brochure outlining what different courts are about. Many of us, regardless of our education may not understand what the various circuits are about, hence we need to do more for our citizens, and when our citizens get to understand this information, they are going to build trust.

So I hope some of these conversations will take place because access to information also helps with the prevention of corruption. If the courts are open people can say the process is fair and we do not think there is any way that corruption will take place. And we are seeing process gradually, and this meeting, I believe, is a process that will provide the opportunity for the citizen will begin to build trust in the Judiciary. Carter Center has continued to wage peace, fight disease and build hope across the world, it is therefore our hope that the Judiciary will wage peace on the way you perform and build hope in our citizens.

I thank you very much.



REMARKS MADE BY:
Hon. Cllr. Frederick D. Cherue
MINISTER & ATTORNEY GENERAL
Ministry of Justice
Republic of Liberia

Mr. Chief Justice, permit me, first to address myself to comments made by Mr. Thomas Doe Nah, of the Carter Center. We take these criticisms that they make about people in the prison not be afforded justice. But the simple request, we like to make to these NGO's is that, it is the Judiciary that provides the Public Defenders for people who are indigent clients while the state prosecutes, so if they can help us provide independent lawyers who will take up some of the cases, then they can actually know whether justice has been rendered or dispensed. That is my only request to them, Thank you very much.

Mr. Chief Justice;

Your Honor, Justice Jamesetta Wolokolie, the Chairperson of the Planning Committee of this Retreat;

Other Distinguished Associate Justices of the Supreme Court here present;

Judges of Courts of Records and Magistrates;

The DSRSG & Family of the United Nations, present;

Other Partners;

Your Excellency, The Superintendent of Bong County & the Officials and the People of Bong County;

Distinguished Guests;

Ladies and Gentlemen.

Firstly, I want to thank the Almighty God for the safe arrival of all of us here in the beautiful city of Gbarna. I pray that his blessings will be upon all of us as we go through these exercises for which we are here; may he give you, the direct participants, the wisdom, patience and tolerance as you discuss and exchange ideas with the goal of improving the workings of the Judiciary. Let me again thank, the Supreme Court for the invitation accorded me to be here at this gathering of the Honourable Justices of our highest court, Judges and Magistrates, in other words, this is a judicial meeting, or the meeting of the Judiciary. In a true sense, I am not a direct member of the Judiciary, neither am I a judge or a magistrate, for this reason, am honored to be afforded the privilege in making remarks at this important gathering.

Your Honours, there are times in history, when people of a given class of a community assemble to look at their past in order to rectify what has gone wrong; to reexamine their presence, to harmonize what is discounted and to readjust themselves to the challenging realities of their time. Today, you are holding a retreat for justices, judges and magistrates to discuss issues of our time and to examine the applicable laws and procedures. You are also assembled to look upon the past of our Judiciary community, to reexamine its presence in order to address the public perception, you will also be exchanging ideas as to how to modernize the workings of the Judiciary by bringing up to date your own knowledge of the principles, laws, procedures governing our courts. I see this as a housekeeping exercise and also a program of continuous education, which is key to efficient and professional functioning of the legal profession and the Judiciary.

On your agenda, Your Honours, are the topics: elections, adjudication of land disputes, courtroom management control, bonds, sentencing and others. Your Honours, as we move closer to October 2017, we at the Ministry of Justice, the Executive Branch of Government takes key interest and are delighted that members of the institution which is the custodian of peace and stability are meeting to discuss the most urgent and important issue upon which the economic, social, political, stability and viability of our country depends. I therefore thank and commend you for this undertaking, Your Honours, land disputes are also concern to us, this is a cancer that eats the social and political fabrics of our society and also has economic implications. It is also the source of instability, therefore it is important that land issues be properly and judicially handled by the courts, when this is done the frustration of party litigants will be minimized. Effective courtroom management and control is an important ingredient of our practice, in this regard, I entertain a hope, that your deliberation will lead to the proper control of our courts and procedures so as to minimize delays of cases in our court.

Finally, your Honours, as I was not asked to make a keynote speech, but a remark, let me express my profound thanks and gratitude for the privilege and opportunity to stand before you and make these remarks, I am grateful and respectfully request, that this retreat you are holding today, a similar one will be organized for lawyers and judges in the not too distance future, so that those problems confronting both lawyers and judges can be discussed as you are about to discuss internally. Let me also extend to you warmest greetings from Her Excellency Ellen Johnson Sirleaf, president of this great country on the occasion of your retreat. She wishes and hopes that your deliberation will go well. Finally, I say as you assemble here in Gbarnga, Bong County, please Chief Justice and Associate Justices, judges be assured that your security in place.

Thank you very much!

**DAY ONE (1) Thursday, May 18, 2017.
BUSINESS SESSION.**

**TOPIC 1: ARBITRATION AND INVESTIGATIVE
SURVEY IN EJECTMENT CASES**

Presented by:

**Her Honor, Jamesetta H. Wolokolie
ASSOCIATE JUSTICE,
SUPREME COURT OF LIBERIA**

To the Judicial Retreat

Held in Gbarnga, Bong County, Liberia

Thursday, May 17-20, 2017



OUTLINE

- ▶ **What Is Arbitration**
- ▶ **Kinds of Arbitration**
- ▶ **Commercial Arbitration**
- ▶ **Ejectment Arbitration**
- ▶ **Arbitration versus Investigative Survey**
- ▶ **Conclusion**

WHAT IS ARBITRATION?

A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding. Black's Law Dictionary, (8th Ed.); *Chicri Brothers v. Isuzu Motors*, 40 LLR 128 (2000).

Arbitration ousts the jurisdiction of the court from hearing of the matter *except to confirm to vacate an award made by the arbitral board*. *Civil Procedure Law*, Rev. Code, 1:64.11.

KINDS OF ARBITRATION

- ▶ There are two major kinds of arbitration widely practiced in our jurisdiction. They are:
 1. *Commercial Arbitration*
 2. *Ejectment Arbitration*

COMMERCIAL ARBITRATION

- ▶ COMMERCIAL ARBITRATION- Is an arbitration to resolve commercial dispute.
 1. The agreement may be one of the provisions in a contract or agreement or a separate arbitration agreement may be executed to resolve a conflict when it arises. *Dasusea et al. v. Coleman*, 36 LLR 102 (1989);
 2. The arbitration agreement must be written and clearly set out issues decided by the parties which the arbitral board must adjudicate; *Dasusea et al. v. Coleman*, 36 LLR 102 (1989); *Nyepan et al. v. Jarteh*, Supreme Court Opinion, March Term, A.D. 2010; 1LCLR, 64.1;
 3. Courts lack jurisdiction to adjudicate disputes in which the parties have had prior written agreement to resolve through arbitration. The Supreme Court in numerous opinions consistently says that courts must first determine their jurisdiction over a matter; where a ruling is made in a matter to which the court lacks jurisdiction such ruling is of no legal effect. This being said, courts must *sua sponte* take judicial notice of arbitral clauses in agreements and refuse jurisdiction over such cases except for affirming /confirming the award consistent with applicable laws.
 4. The scope and limitation of the arbitral panel is only defined and limited by the arbitral agreement; The award will be corrected by the court if the panel awarded upon matters not submitted to it; 1LCLR 64.1; 1LCLR 64.12.(b)
 5. Arbitral awards are final and enforceable by the court except for exceptions contained in 1LCLR 64.11 and 1LCLR 64.12;
 6. Court shall modify or correct an award for error or vacate the award for fraud [irregularity]; *Koon v. Jleh*, 39 LLR, 329 (1999); 1LCLR 64.11& 64.12; *Chicri Brothers v. Isuzu Motors*, 40 LLR 128 (2000).
 7. Court may compel arbitration where the parties to an issue had prior agreement to arbitrate but one or more parties is/are hesitating to comply. 1LCLR, 64.2. *MANDRA CASES*

EJECTMENT ARBITRATION

- EJECTMENT ARBITRATION- Is an arbitration to resolve disputes over titles in realties.
 1. There must be a written prior agreement of the parties to arbitrate; 1LCLR, 64.1 (Same as in Commercial Arbitration); *Dasusea et al. v. Coleman*, 36 LLR 102,132 (1989); *Nyepan et al. v. Jarteh*, Supreme Court Opinion, March Term, A.D. 2010;
 2. The arbitral board which is referred to a Survey Board of Arbitration is only *limited to fact finding*; The Court retains jurisdiction over the case unlike in commercial arbitration where the court's jurisdiction is

limited to affirming and enforcing the award (please note the exceptions), *Manaanai v. Momo*, Supreme Court Opinion, March Term, A.D. 2012;

3. Survey Board of Arbitration lacks the competence to determine legal issues. *Nyepan et al. v. Jarteh*, Supreme Court Opinion, March Term, A.D. 2010; 1LCLR, 64.1; *Manaanai v. Momo*, Supreme Court Opinion, March Term, A.D. 2012;
4. The Survey Board of Arbitration when/where constituted as agreed by the parties, replaces the jury as trial of facts. *Nyepan et al. v. Jarteh*, Supreme Court Opinion, March Term, A.D. 2010; *Manaanai v. Momo*, Supreme Court Opinion, March Term, A.D. 2012;
5. Legal issues must first be disposed of by the trial judge before submitting the case to the Survey Board of Arbitration to determine the facts, *Mananaai v. Momo*, Supreme Court Opinion, March Term, A. D. 2012; *Baklini and Metropolitan Bank, s.a.l. v. Henries, Younis et al.*, 39 LLR 303, 311 (1999); *the Heirs of the Intestate Estate of the later S. B. Nagbe, Jr. v. the Intestate Estate of the late S. B. Nagbe, Sr.*, 40 LLR 337, 347 (2001)
6. The Court is obligated to affirm the award from a Survey Board of Arbitration where the parties agreed that the award be binding upon them (*Same as Commercial arbitration*);
7. Awards may be subject to correction for errors or vacated for want of fraud and other improprieties in order to meet the end of justice. (*Same as commercial arbitration*)

ARBITRATION v. INVESTIGATIVE SURVEY

CHARACTERISTICS OF INVESTIGATIVE SURVEY:

1. Investigative Survey is covered or provided for under Trial by Referee as contained in 1LCLR, 24;
2. Investigative survey is ordered by the court *sua sponte*, 1LCLR, 24.1; *Freeman et al v. Webster*, 14 LLR, 493, (1961);
3. Is used in the settling of technical aspect of a case to aid the jury/court in determining issue(s) of fact; *Freeman et al v. Webster*, 14 LLR, 493, (1961); *Jarba v. Fagans-Freeman*, Supreme Court Opinion, October Term of Court, A.D. 2013; *Gardiner v. James*, Supreme Court Opinion, March Term, A.D. 2015; 1LCLR, 24.1
4. Investigative survey reports are used as an evidentiary tools by the court, *Jarba v. Fagans-Freeman*, Supreme Court Opinion, October Term of Court, A.D. 2013; *Gardiner v. James*, Supreme Court Opinion, March Term, A.D. 2015;

5. Investigative survey reports are evidence which must be submitted to the jury to aid in its deliberation. Investigative survey reports are not treated like arbitral awards (see previous slides to refresh on arbitration). *Gardiner v. James*, Supreme Court Opinion, March Term, A.D. 2015; 1LCLR 24.7.1.
6. However, in a bench trial, Investigative survey reports are treated similar to arbitral awards from a Survey Board of Arbitration. 1LCLR 24.7.2.

CONCLUSION.

EJECTION ARBITRATION

Obtained through a written agreement setting the scope and limits of the survey board of arbitration

Report is treated in the manner of a usual arbitral award; binding on the parties as agreed

Replaces jury trial; serves as trial of facts

Cover under Chapter 64.1 of 1LCLR

INVESTIGATIVE SURVEY

Courts may *sua sponte* order investigative survey where the issues are found to be of technical and complex nature

Report is for evidentiary purposes only; not binding; It is submitted into evidence in court

Assist the jury to make a determination on issues of technical nature; However, in a bench trial, it is treated similar to arbitral awards

Cover under Chapter 24 of 1 LCLR

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That Arbitration as provided for under Chapter 64 of the Civil Procedure Law Liberia Code of Laws Revised (1973), ousts courts of jurisdiction in both commercial and ejection cases except for those provisions specifically provided under the sections of the Code.
2. That arbitration and investigative survey are distinct in that arbitration is obtained from a written agreement reached by the parties setting out the issues to be adjudicated by an arbitral body and investigative survey is ordered by the court to provide technical advice.
3. That Magistrates shall not order investigative surveys for lack of jurisdiction over matters where title is at issue.

TOPIC 2. APPEAL BOND –

THE PROBLEM FROM A JUDICIAL PERSPECTIVE PRESENTED BY HIS HONOUR PHILIP A. Z. BANKS, III ASSOCIATE JUSTICE SUPREME COURT OF LIBERIA

MAY 18, 2017



Today, we are asked to explore the basic thrust of the constitutional and statutory right accorded to a losing party to appeal the decisions and judgments of the lower courts to the Supreme Court, a Court of last resort, as a means of ensuring that every person has the opportunity of a hearing not just before the court wherein his or her case originated, but also before the ultimate forum charged under the law to dispense justice in the Republic. The fact that this subject is chosen as part of the deliberations of this gathering is testament to the fact that the Supreme Court deems it as one of the problem areas confronting our justice system. This is the basis of the exploration we undertake today.

We begin with the constitutional setting. The Liberian Constitution, at Article 20(b), a core and integral part of the Chapter III fundamental rights provisions of the Liberian Constitution (1986), accords to every person “[t]he right of an appeal from a judgment, decree, decision, or ruling of any court or administrative board or agency, except the Supreme Court”; states further that the right “shall be held inviolable”; but the Constitution does not only declare that except the Supreme Court, the right to appeal from a judgment, decree, decision or ruling of any court or administrative board or agency shall be held inviolable it also concludes by imposing on the Legislature the duty and mandate to “prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal”. The Legislature, prior to the coming into effect of the 1986 Constitution, had in pursuance of a similar duty and mandate, imposed on it by the previous abrogated 1847 Liberian Constitution, enacted into law a series of provisions in our Civil Procedure Law and our Criminal Procedure Law designed to guarantee that the provisions of the Constitution were made operational. And while the 1847 Constitution was abrogated in 1980, the new Liberian Constitution which became effective in 1986, states at Article 95(a) that: “Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted,

issued or made under the authority of this Constitution.” LIB. CONST, ART 95 (a) (1986). Thus, by virtue of the said Article, the provisions of the Civil Procedure Law and the Criminal Procedure Law, enacted in 1973, continued to be the operating laws of the Republic, and the legislative fulfilment of the duty and mandate imposed on that Body by the 1986 Constitution.

Indeed, at Section 51.2 of the Civil Procedure Law, the legislature not only recognized the constitutional guaranteed right to appeal but it also acknowledged the inviolability of the right. The Section reads: “Every person against whom any final judgment is rendered shall have the right to appeal from the judgment of the court except from that of the Supreme Court. The decision of the Supreme Court shall be absolute and final.” Moreover, the legislature gave further clarity by stating in section 51.3 of the same Act that “[a]ny two or more parties interested jointly or severally in a judgment may join in an appeal therefrom; or any one or more of them may appeal separately.”

The Criminal Procedure Law similarly sets out the right of appeal as guaranteed by the Constitution. This is how Section 24.2(a) of the Criminal Procedure Law captures the right:

“An appeal may be taken by a defendant from:

- (a) A final judgment; or
- (b) A sentence on the ground that it is illegal or excessive.”

Moreover, the Supreme Court in accord with the Constitution, has consistently held that the right of appeal cannot be stifled or impeded by any institution of the Government, whether legislative, executive or the Judiciary, and that the mandate and command of the Constitution guaranteeing the right of appeal from the final rulings and judgments of lower courts, mandatory in nature, must be respected and honored and can never be left to the discretion of a judge, or for that matter any other government authority, in determining whether an appeal should or should not be granted. See *Jones and Thompson v. Pearson and Lef Investment Company*, 31 LLR 330 (1983); *National Milling Company v. Bridgeway*, 36 LLR 776 (1990); *LEC v. Kpana and Varpulah*, 37 LLR 316 (1993); *Hussenni v. Brumskine*, Supreme Court Opinion, March term 2013.

We should note a caveat however that the right of appeal stipulated in the Constitution is not being self-executing. The broad language dictates that the effectuation of the right is dependent upon legislative action. Indeed, the Constitution itself recognizes that the right granted is not self-executing, for it imposes on the Legislature the duty and the mandate to “prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal.” The Legislature, pursuant to the constitutional mandate stated above, has prescribed as prerequisites or conditions for perfecting an appeal and ensuring that the Supreme Court hears the appeal taken to it by an aggrieved party.

Here is how the Legislature, in Section 51.4 of the Civil Procedure Law, has articulated the conditions and the prerequisites for an orderly appeal process that ensures not only consistency but also ensure justice to all parties to any litigation:

Section 51.4. “The following acts shall be necessary for the completion of an appeal:

- (a) Announcement of the taking of the appeal;
- (b) Filing of the bill of exceptions;
- (c) Filing of an appeal bond;
- (d) Service and filing of notice of completion of the appeal.

Failure to comply with any of these requirements within the time allowed by statute shall be ground for dismissal of the appeal.”

While the appeal process enumerates a number of conditions which an appellant should fulfil in order that his or her appeal is heard by the Supreme Court, or for that matter even by intermediate courts to which appeals may be taken, we shall in this Paper focus our attention primarily on the third criteria stated in Section 51.4 of the Civil Procedure Law, which is that as a condition to appealing the ruling or judgment of a lower court to the Supreme Court, or to enable the Supreme Court to acquire jurisdiction to determine the case on the merits, the appellant shall file with the lower court an appeal bond duly approved by the judge of the court from whence the appeal is being taken.

However, it is important to note for the purpose of this paper, that unlike the Civil Procedure Law which provides for the filing of appeal bond as a prerequisite for the taking of an appeal to the Supreme Court, the Criminal Procedure Law requires no such bond. It states: “*No appeal bond need be furnished on appeal in a criminal case.*” Criminal Procedure Law Rev. Code 2:24.2(2)

There is no disputing the constitutionality of the appeal bond provisions stated above. Indeed, not only has the Supreme Court determined that the provisions are constitutional, but the framers of the 1986 Constitution seemed to have contemplated that a person appealing the decision of the lower court to the Supreme Court should, as a condition to perfecting the appeal and hearing of the appeal by the Supreme Court, secure and file an appeal bond. In the case *The Intestate Estate of the Late William J. M. Bowier et al. v. Williams et al.*, 40LLR 84 (2000), an ejectment action, the appellant challenged the appeal provision of the Civil Procedure Law, specifically § 51.8 regarding the appeal bond. The appellant contended that the requirement mandating the filing an appeal bond was a violation of his right of appeal under Article 20(b) of the Constitution.

The Supreme Court, in passing on the constitutionality of § 51.8, rejected the appellant's contention and dismissed the appeal holding thus:

"The right to an appeal is not a self-executing constitutional right; rather, the constitutional provision is executed by an enabling statute to secure the enjoyment of the right and that the appeal provision of the law do not restrict the constitutional right of appeal."

The Court also held that:

"The legislative intent is to ensure that in the process of exercising one's right of appeal, the constitutional right of the adverse party to a fair and speedy trial is protected." *Id.* 94

In a more recent case, *Toe v. Frontpage Africa Newspaper*, Supreme Court Opinion, March Term, A.D. 2013, this Court acknowledged the equal rights of all the parties in the appeal process when it held thus:

"The framers of the Constitution had an equally important concern on their minds when they entrusted to the Legislature the prerogative of designing a framework for the orderly pursuit of appeals to the Supreme Court. They were cognizant of the provision of Article 11 which states that all persons are equal before the law and that all persons are entitled to the equal protection of the law."

The Court further held:

"The Equal Protection Clause ensured that the rights of all parties, as in the case of appeals the rights of the appellant and the appellee, are protected. The framers were aware that in granting the right of appeal to an aggrieved party, there was also a corresponding need to ensure that a successful party was equally secured and protected under the law...The appeal provision of the statute therefore left to the Legislature and imposed on that body the duty and the obligation to strike a balance between the rights of the parties".

The reference by the appeal provision of the Constitution to "inexpensive filing and hearing" of an appeal clearly anticipates that part of the "inexpensive filing" is the filing of an appeal bond, designed to cover expenses relating to the judgment, and costs, injuries and other expenses associated with the appeal. Thus, the Legislature was not in error in prescribing that an appeal bond should be secured and filed with the trial court as a condition for perfecting an appeal to the Supreme Court and the requirement did not in and of itself inhibit the exercise of the right of appeal.

Nor did the Legislature commit an error when in Section 51.8, it more specifically zeroed in on the process and stated the following:

“Every appellant shall give an appeal bond in an amount to be fixed by the court, with two or more legally qualified sureties, to the effect that he will indemnify the appellee from all costs or injury arising from the appeal, if unsuccessful, and that he will comply with the judgment of the appellate court or of any other court to which the case is removed. The appellant shall secure the approval of the bond by the trial judge and shall file it with the clerk of the court within sixty days after rendition of judgment. Notice of the filing shall be served on opposing counsel. A failure to file a sufficient appeal bond within the specified time shall be a ground for dismissal of the appeal; provided, however, that an insufficient bond may be made sufficient at any time during the period before the trial court loses jurisdiction of the action.”

The focus of our attention is how in the operation of the above stated provisions the right of appeal has not been fully enjoyed as the Supreme Court has been deprived of the opportunity to entertain many numbers of cases on the merits. I submit that both parties to a case and their counsels, and many a times the judge wherein their matter is determined, seem to have created situations that have deprived parties appellants of the active and full enjoyment of the right accorded by the Constitution and as was anticipated by the framers of that sacred document. The Paper explores a few of the conduct or situations, both by the lawyers, the parties and sometimes even the court, which have contributed to a failure by the appellant to meet the statutory prerequisites “to file an appeal bond...as required by statute.” Civil Procedure Law, Rev. Code 1:51.16. Accordingly, we shall explore three different facets of the problems associated with the appeal bond and the appellants lac of enjoyment of the right granted by the Constitution.

The first problem associated with the appeal bond is the understanding by both lawyers and judges in the application of the chapters in our Civil Procedure Law which speak about appeal bond, chapter 51 and chapter 63. Although both may be construed in concert with each other in order to achieve the intent and purpose of their enactment, there are slight differences between the chapters relative to an appeal bond. First, chapter 51, subsection 51.8, specifically speaks of appeal bond and no more while chapter 63 speaks generally about bonds, whether an appeal bond, bond in replevin proceedings, bond in attachment etc.; second, chapter 51, subsection 51.8 speaks of an appeal bond as a procedural requirement for the perfection of an appeal but does not describe the content of the bond. It simply states that

“Every appellant shall give an appeal bond in an amount to be fixed by the court, with two or more legally qualified sureties, to the effect that he will indemnify the appellee from all costs or injury arising from the appeal, if unsuccessful, and that he will comply with the judgment of the appellate court or of any other court to which the case is removed. The appellant shall secure the approval of the bond by the trial judge and shall file it with the clerk of the court within sixty days after rendition of judgment...”

while chapter 63 provides the substance of the bond by detailing its content and requisite elements by stating thus:

§ 63.1. Security for bonds.

Except as otherwise provided by statute, any bond given under this title shall be secured by one or more of the following:

- (a) Cash to the value of the bond; or cash deposited in the bank to the value of the bond as evidenced by a bank certificate;
- (b) Unencumbered real property on which taxes have been paid and which is held in fee by the person furnishing the bond;
- (c) Valuables to the amount of the bond which are easily converted into cash; or
- (d) Sureties who meet the requirements of section 63.2.

The sheriff receiving cash, a bank certificate, stocks or other negotiable securities, or valuables shall deposit it or them in the government depository or a reliable bank, and secure a receipt therefor showing the amount deposited and the purpose of the deposit and containing a statement that the deposit will be released only upon the written order of a judge of the court.[\[485\]](#)

§ 63.2. Legally qualified sureties.

1. *Who may be sureties.* Unless the court orders otherwise, a surety on a bond shall be either two natural persons who fulfill the requirements of this section or an insurance company authorized to execute surety bonds within the Republic.

2. *Lien on real property as security.* A bond upon which natural persons are sureties shall be secured by one or more pieces of real property located in the Republic, which shall have an assessed value equal to the total amount specified in the bond, exclusive of all encumbrances. Such a bond shall create a lien on the real property when the party in whose favor the bond is given has it recorded in the docket for surety bond liens in the office of the clerk of the Circuit Court in the county where the property is located. Each bond shall be recorded therein by an entry showing the following:

- (a) The names of the sureties in alphabetical order;
- (b) The amount of the bond;
- (c) A description of the real property offered as security thereunder, sufficiently identified to clearly establish the lien of the bond;
- (d) The date of such recording;
- (e) The title of the action, proceeding, or estate.

3. *Affidavit of sureties.* The bond shall be accompanied by an affidavit of the sureties containing the following:

- (a) A statement that one of them is the owner or that both combined are the owners of the real property offered as security;
- (b) A description of the property, sufficiently identified to establish the lien of the bond;
- (c) A statement of the total amount of the liens, unpaid taxes, and other encumbrances against each property offered; and
- (d) A statement of the assessed value of each property offered.

A duplicate original of the affidavit required by this section shall be filed in the office where the bond is recorded.

4. *Certificate of Ministry of Finance official.* The bond shall also be accompanied by a certificate of a duly authorized official of the Ministry of Finance that the property is owned by the surety or sureties claiming title to it in the affidavit and that it is of the assessed value therein stated, but such a certificate shall not be a prerequisite to approval by the judge.

5. *Release of lien.* When the condition of a bond has been fulfilled, a certificate to that effect shall be issued by the clerk of the court where the bond is filed. Such certificate shall be filed in the office of the clerk of the Circuit Court where the lien on the real property has been recorded to show that the lien has been released.

Chapter 63 substantially provides that "a surety on a bond shall be either two natural persons or an insurance company authorized to execute surety bonds within the Republic; that a bond upon which natural persons are sureties shall be secured by one or more pieces of real property located in the Republic, which shall have an assessed value equal to the total amount specified in the bond; and that the bond shall be accompanied by an affidavit of the sureties containing the following:

- a) A statement that one of them is the owner or that both combined are the owners of the real property offered as security;
- b) A description of the property, sufficiently identified to establish the lien of the bond;
- c) A statement of the total amount of the liens, unpaid taxes and other encumbrances against each property offered; and
- d) A statement of the assessed value of each property offered.

In order to bring a resolution to what appears to be a controversy, the Supreme Court has opined and set the essential elements required of a surety with the intent that the value of the surety of natural persons is sufficient to cover the value of the bond to be posted and that an insurance company authorized to execute surety bonds is solvent enough to ensure that the judgment of the court will be enforced.

In the case *Mentor Initiative et al. v Fardon*, Supreme Court Opinion, October Term, 2014, the Court reaffirmed its interpretation of section 63.2 of the Civil Procedure Law as stated in *Robertson et al., v. The Quiah Bros et al.*, Supreme Court Opinion, October Term 2011, that the phrase "authorized to execute surety bonds within the Republic of Liberia does not mean a mere exhibition of the articles of incorporation of the insurance company containing a clause that it can serve as surety, or an exhibition of a certificate showing that it is authorized to do business in Liberia, or a statement from the Ministry of Finance indicating that the company has paid its taxes, for none of those points to the liquidity of the insurance company as would satisfy the purpose of an appeal or other bonds, which are intended to hold the successful or opposing parties harmless from injury, to make payment of the cost of court, and to satisfy the judgment of the court; the purposes stated both in the statute and in a litany of cases decided by the Court presuppose and imply that the insurance company is in good standing and has the liquidity or other means to satisfy the judgment and other cost associated with the case in which it is serving as surety."

The Court then re-echoed the standards contemplated by the Statute that:

- “1. The exhibition or attachment to the bond of the articles of incorporation of the insurance company as evidence that the company does exist;
2. Registration certificate of the insurance company with the appropriate government ministry or agency indicating that it is authorized to do business in Liberia and that it is in good standing;
3. Clearance from the Ministry of Finance evincing that all taxes due as at the time of the execution of the bond have been fully paid; and
4. Evidence, such as certificate or other legal instrument from an appropriate legal authority such as the Central Bank or other insurance authority or similar government entity having regulatory responsibilities for insurance companies, that the insurance company possesses assets within the Republic of Liberia, sufficient to cover the obligation undertaken by the insurance company in the bond, exclusive of other bonds to which it is already serving as surety, commensurate with the amount stated in the bond (Emphasis Ours).”

A third difference between chapters 51 and 63 of the Civil Procedure Law relative to an appeal bond is that chapter 51 provides that an appeal could be dismissed for the insufficiency of an appeal bond and that an appeal bond can be made sufficient at any time before the trial court loses jurisdiction. Here is how it is stated:

“A failure to file a sufficient appeal bond within the specified time shall be a ground for dismissal of the appeal; provided, however, that an insufficient bond may be made sufficient at any time during the period before the trial court loses jurisdiction of the action.”

However, this provision is silent on the procedure for the determination of the insufficiency of an appeal bond; whether it could be done upon a motion by the opposing party or whether the judge could *sua sponte* determine a bond to be insufficient. The latter, that a judge could *sua sponte* determine a bond to be insufficient, seems to appease any reasonable interpretation of this provision. This is especially so since the former part of the provision quoted only requires the appellant to give an appeal bond in an amount to be fixed by the court, with two or more legally qualified sureties, to the effect that he will indemnify the appellee from all costs or injury arising from the appeal, if unsuccessful, and that he will comply with the judgment of the appellate court or of any other court to which the case is removed.

Such an interpretation will not only defeat the principle that statutes should be construed in light of the entire document, but will also suppress the intent of the legislature in giving the appellee an opportunity to post a challenge to an appeal bond before it is approved by the trial court. This is why chapter 63, subsections 63.5 & 63.6, according to the Supreme Court, clearly lays out the procedure by which an appeal bond may be excepted to and those by which an insufficient bond may be made sufficient:

“§ 63.5. Exception to surety; allowance where no exception taken.

1. *Exceptions.* A party may except to the sufficiency of a surety by written notice of exceptions served upon the adverse party within three days after receipt of the notice of filing of the bond. Exceptions deemed by the court to have been taken unnecessarily, or for vexation or delay, may, upon notice, be set aside, with costs.

2. *Allowance where no exception taken.* Where no exception to sureties is taken within three days or where exceptions taken are set aside, the bond is allowed.

§ 63.6. Justification of surety.

1. *Motion to justify.* Within three days after service of notice of exception, the surety excepted to or the person on whose behalf the bond was given shall move to justify, upon notice to the adverse party. The surety shall be present upon the hearing of such motion to be examined under oath. If the court finds the surety sufficient, it shall make an appropriate endorsement on the bond.

2. *Failure to justify.* If a motion to justify is not made within three days after the notice of exception is served, or if the judge finds a surety insufficient, he shall require another surety or sureties in place of any who have not justified. Any surety who has not justified shall remain liable until another surety signs the bond and the bond is allowed.”

Notwithstanding these procedures chronologically enumerated by chapter 63 of the Civil Procedure Law, the Court has been faced with instances wherein the appellee becomes unable to except to the appeal bond

within the three days provided therein albeit having been served with same before the Supreme Court acquires jurisdiction.

In many of such cases, where approval of the appeal bond is sought to be had or secured, the notice of completion of appeal is filed by the appellants almost simultaneously with the filing of the bond. This presents a number of difficulties for the appellants and the appeal process, and in many instances contributes to the dismissal of appeals. This is because, firstly, the simultaneous filing of the appeal bond and the notice of completion of appeal deprives the appellant of the opportunity to cure defects which may be contained in or associated with the appeal bond. This is so since the Supreme Court has said that where an appeal bond is believed or alleged to be defective, section 63.5, Exception to surety; allowance where no exception taken, which provides at sub-section (1) that “[a] party may except to the sufficiency of a surety by written notice of exceptions served upon the adverse party within three days after receipt of the notice of filing of the bond” and sub-section (2), captioned Allowance where no exception taken, and which states that “[w]here no exception to sureties is taken within three the appeal bond and the notice of completion of appeal are filed the same day, same being the 60th day of the appeal process, a motion to dismiss is properly cognizable before the Supreme Court. *Hussenni v Brumskine, Supreme Court’s opinion, March Term, A.D. 2013*

Under the Opinions of the Supreme Court, where the appeal bond is filed within ample time prior to the expiration of the time allowed by law for the filing of the appeal bond, the party seeking to challenge the bond must do so within three days of the date of filing and service of the appeal bond. There are two advantages that accrue to an appellant in filing the appeal bond long before the date of expiration for such filing. Firstly, the appellee has the opportunity to challenge the bond within three days or be deemed to have waived the right to challenge. Assuming that the appellee chooses to challenge the appeal bond, the appellant will have time sufficient to cure or rectify the defect in the bond under section 51.8 of the Civil Procedure Law which provides that “[a] failure to file a sufficient appeal bond within the specified time shall be a ground for dismissal of the appeal; provided, however, that an insufficient bond may be made sufficient at any time during the period before the trial court loses jurisdiction of the action.” Secondly, because the opportunity is provided for a defective bond to be cured prior to the expiration of the time set by statute for filing of an appeal bond, the early preparation and filing of the appeal bond and the opportunity to correct any defects eliminate the possibility of a challenge to the bond at the level of the Supreme Court, and thus reduces the prospect of the dismissal of the appeal on that account since the defect would or should have been cured at the level of the lower court prior to the expiration of the statutory period for the filing of the appeal bond.

On the other hand, where the appeal bond is filed just on the verge of the expiration of the period allowed by statute for the filing of such bond, the prospects of a challenge to the bond being mounted before the Supreme Court is higher and the possibility of dismissal of the appeal becomes greater. This is because, since the

Supreme Court does not take evidence and is without the authority to correct a defective bond, and no opportunity is provided to the appellant to correct the bond at the level of the Supreme Court, the defect exposes the appeal to dismissal by the Supreme Court and to the injury of the appellant, who may leave feeling that he or she was not accorded justice. In such a case, the dismissal factor is due primarily to the negligence of the appellant or counsel for the appellant in waiting until the last moment before filing the appeal bond and simultaneously filing with the bond the notice of completion of appeal.

But from that perspective, one could make the argument that it has nothing to do with the judge. Such argument has credence at this forum since the gathering is one that is strictly amongst the Justices of the Supreme Court and the judges of the subordinate courts and do not involve lawyers either in the private practice of law or otherwise associated with the practice of law in the public sector. Yet, it is important because it enlightens a judge on the scope within which he or she can operate jurisdictionally. A judge should know that once a notice of completion of appeal is filed, he/she loses jurisdiction completely over the case, including a determination as to whether an appeal bond is defective or not and whether to require a party who has filed a defective bond to cure the defect. Some judges have made the error of entertaining exceptions to the bond even when the records clearly reveal that the court lacked the requisite jurisdiction to entertain the matter as a notice of completion of appeal had already been served and filed with the court. What also is important for the appeal process is that due to this negligence of the appellant or counsel for the appellant the appellant is prevented from enjoyment of the right of an appeal guaranteed by the Constitution.

A second problem associated with the appeal bond is the often displayed negligence by the trial judge in ensuring that the bond is adequate and in order prior to approving of the said bond. A normal assumption is that when the trial judge approves of an appeal bond, he or she has read, inspected and carefully examined the bond, and that in his or her opinion, the bond meets the requirements of the law. Those requirements are clearly laid out in the appeal statute and have been numerous elaborated upon by the Supreme Court. Yet, in many cases, the approved bond falls far short of the statutory and other legal requirements to be adjudged as valid. But because, seemingly, the trial judge had failed to pay the required attention to the requirements associated with the bond, the negligence by the trial judge exposed many appellants' appeals to dismissal. It should be clear that there is no law that requires that a trial judges approves of an appeal bond which does not meet the legal requirements, and especially the statutory requirements, inclusive of its elaboration by the Supreme Court. A bond which does not meet such requirements should be rejected by the trial judge and the appellant made to present for approval an appeal bond which conforms to the statutory requirements, assuming that the bond is presented within a sufficient time for the trial judge to indulge in such a course before the expiration of the prescribed sixty day statutory period for the of the bond. This means also that if an appellant presents the appeal bond in sufficient time prior to the final day for filing of the bond, any defects or insufficiency can be addressed

and corrected, the dismissal of the appeal avoided and the constitutional guarantee can be fulfilled and enjoyed. The emphasis here is that the trial judge owes himself, herself and the law the duty to do due diligence to the bond before approval is given since a failure to do such due diligence not only exposes the appeal to dismissal but exposes the approving judge to ridicule of a lack of knowledge of the law or an indifference to the law.

A third problem is the often excessiveness of verdicts of juries and judgments by judges. When a judgment is excessive, it renders almost impossible the exercise of the constitutional right of appeal. This is the reason why the verdicts of juries and the judgments of judges must be commensurate with the facts of a case, a position which the Supreme Court continues to articulate and which it expects juries and judges to adhere to. Certainly, it expects that judges, in their charge to juries, will explain to that care can be taken in deciding the value which juries affix to the verdict. This is critical because many times the juries act on the influence or other persuasion of counsel rather than on the facts as revealed by the case. Equally important is that even when juries have given an award in value as part of the verdict, Judges must carefully and meticulously examine the facts and ensure that the award is reasonable and commensurate with the facts of the case and the evidence adduced, rather than be arbitrary. An arbitrary award not reflective of the facts in the case and the actual damages suffered, whether special or general, or which does not reflect the actual elements surrounding the award of such damages, places a bad reflection not only on the judge but also on the judiciary as a whole. Indeed, the a part of the essence behind the provision of the Civil Procedure Law governing motions for new trial is that where the verdict of the jury is so manifestly against the evidence, the trial judge has the opportunity to correct the injustice which could result from such a verdict. Thus, where the value of a verdict is so adverse to the facts and the evidence in the case, the judge has the authority to order or have the discrepancy adjusted or reordered either by granting a motion for new trial or other mechanism recognized under the law. The caution here however is that a judge should not make this avenue an excuse for abuse of the process and thereby expose the Judiciary to even greater ridicule.

A final point which I believe is important is that of the interpretation given by the Supreme Court to 63.8 of the Civil Procedure Law exempting the Republic, municipal corporation or public officer from posting a bond. The said section states:

“Any provision of statute or rule of court authorizing or requiring a bond to be given by a party shall, unless the contrary is clearly expressed, be construed as excluding the Republic, or a domestic municipal corporation, or a public officer or agency in behalf of the Republic or of such a corporation.”

The Supreme Court has interpreted the above quoted provision of our statute in a number of opinions when it held thus:

“any provision of statute or rule of court authorizing or requiring a bond to be given by a party shall unless the contrary is clearly expressed, be construed as excluding the Republic, or a domestic municipal corporation, or a public officer or agency in behalf of the Republic or of such a corporation and that in an instant where a state agency files a bond it shall constitute an exercise of mere formality.” *Wrupue et al., v. LMPC, Supreme Court Opinion, March Term, 2007; Ankra v. LFLU, 36 LLR 343 347 (1989); Republic of Liberia v. Collins 13 LLR 457 461 (1960).*

The Court, however, has distinguished a wholly owned Government entity established for the purpose of commercial activities and profit generation to that of wholly owned government entity solely supported by the National Budget and whose employees are civil servants.

In the case *Liberia Electricity Corporation v. Henry Jack et al. and Rodolphus Brown*, 37 LLR 348 decided by the Supreme Court on September 22, 1994, the appellees Brown et al., filed a motion to dismiss the appellant, LEC appeal on grounds that the appeal was completed sixty-one (61) days after the rendition of final judgment, outside of the statutory period of sixty (60) days allowed for the completion of an appeal. The Court granted the motion and dismissed the appeal. The LEC filed a petition for re-argument contending that the court failed to pass upon the averments in counts two (2) and three (3) of the petitioner’s resistance to the motion to dismiss the appeal, in which it contended that it being a corporation fully owned by the government of the Republic of Liberia, it need not post a bond and that under the statute, it is excluded from posting bond since it is a municipal corporation.

The Court in passing on the above contentions distinguished the LEC as wholly owned Government public corporation established for the purpose of engaging into profit generation businesses from a government owned public corporation or Municipal Corporation established as a branch of the state government to assist in the civil governance of the state.

The Court held thus:

“The petitioner says that as a public corporation, owned one hundred percent by the Republic of Liberia, it is not required to post a bond. Our Civil Procedure Law does not exclude a public corporation from posting a bond, unless the counsel is saying that the petitioner’s total ownership by the Republic of Liberia makes it a domestic municipal corporation. This view is obviously misguided because for profit. Its one hundred percent ownership by the Republic of Liberia is what makes it a ‘public’ corporation as distinguished from a ‘private’ corporation of the inhabitants of a city or town for purposes of local government thereof. It is the body politic created by organizing the inhabitants of a prescribed area, under the authority of the legislature,

into a corporation with all the usual attributes of a corporate entity, but endowed with a public character by virtue of having been invested by the legislature with subordinate legislative power to administer the local and internal affairs of the community, and established as a branch of the state government to assist in the civil government of the state.”

The Court reaffirmed the requirement for a public corporation established for the purpose of profit generation business in a more recent case involving the self-same Liberia Electricity Corporation when it held:

“it is therefore our interpretation that if the Government of Liberia incorporates and organizes a business entity which becomes a party to a civil matter, the rules and procedures for the completion of an appeal, as contained in the Civil Procedure Law, shall apply to it the same as they apply to any private business.” *LEC v. Lloyd*, 41 LLR 348 352 (2003)

The key principle of law for our understanding as gleaned from the Supreme Court’s interpretation is that a wholly owned government public corporation established for the purpose of engaging into commercial activities which is not solely supported by budgetary allocations; whose employees are not civil servants with their salaries being fixed by the legislature through budgetary appropriation and which is regulated by the Labour Laws of Liberia, is independent of the Republic notwithstanding its one hundred percent ownership by the Government and thus does not benefit from the exemption provided the Republic.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That judges are under obligation to examine bonds to ensure compliance with the law and shall not sign a defective bond.
2. That the Honorable Supreme Court shall enforce its opinions by sanctioning lawyers whose negligence adversely affect the rights of their clients in the appeal process.

TOPIC 3. SENTENCING
PRESENTED BY
HER HONOR SIE-A-NYE
SUPREME COURT OF LIBERIA
MAY 18, 2017



Mr. Chief Justice & Associate Justices of the Honorable Supreme Court of Liberia;
Organizers and Sponsors of this Judges' Retreat.

I am humbled and honored to be a participant of this retreat, which has been organized and orchestrated for the purpose of judicial reflection, in-depth-discussions and the galvanization of our collective efforts to build our capacity as guardians of the law and enhance the image of the Judiciary. In this regard, I first express profound gratitude to the Almighty God for his grace that has brought us together and secondly I am pleased to acknowledge and thank the Organizers and our Sponsors, particular the Government of Liberia for investing time and resources to ensure that this retreat will yield maximum success to the Judiciary yea, the country at large.

You are aware that the theme of this retreat is "Strengthening The Rule of Law In Liberia Through Enhanced Judicial Performance." I was selected by my colleagues of the Supreme Court Bench to present a paper on the topic "Sentencing". But before I begin my presentation on Sentencing, permit me to advance a caveat, a disclaimer with regard to the Supreme Court of which I am an Associate Justice. The views articulated in this paper do not reflect or represent the official position of the Supreme Court except as to those cases or principles of law quoted from the Opinions of the Supreme Court. However, I hope that at the conclusion of this retreat a general consensus will be reached by all of us as judges regarding the topics and discussions for the purpose of developing the scope of our jurisprudence and to prepare us for future tasks and challenges.

Now, to proceed with the topic on “Sentencing”: What is sentencing; what is the rationale or purpose of sentencing; and how can sentencing hearings strengthen the rule of law and enhance judicial performance?

Chapter 23 of the *Criminal Procedure*, Law deals with sentencing and judgment as siamese twins, inseparable from each other. For example, although this chapter is captioned ‘Judgments’, the subsections thereof, § 23.1, §23.2, §23.3 are cited as ‘Definition of Judgment and Sentencing’; ‘The Time of Judgment and Sentencing’; and, ‘The Procedure on Judgment and Sentencing,’ respectively.

The *Criminal Procedure Law*, Rev Code 2:23.1 defines judgment as an adjudication by the court that a defendant is guilty or not guilty; while, the term sentencing is defined as the adjudication by the court of the method of treatment of a defendant found to be guilty. According to Black’s Law Dictionary 9th Edition, sentencing is defined as “*the judicial determination of the penalty for a crime, the punishment imposed on a criminal wrongdoer or the judgment that a court formally pronounces after finding a criminal defendant guilty.*” Once a defendant is convicted of a crime, the court sitting with or without a jury has a mandatory duty to render judgment and impose the requisite sentence as authorized by law. 21AmJur 2d *Criminal Law* § 736. In imposing sentence, criminal courts possess the authority to order a guilty defendant to the following:

- a) pay a fine authorized by law;
- b) be placed on probation;
- c) be imprisoned for a term authorized by law;
- d) to a fine and probation or to a fine and imprisonment;
- e) be put to death by hanging in the case of a capital offense

See Criminal Procedure Law Rev Code 2: 31.1(2)(3)

Chapter 23.2 provides that:

*“If a defendant is acquitted, judgment shall be rendered immediately. If the defendant is convicted, judgment shall be rendered and sentence pronounced without unreasonable delay, and after the receipt of a presentence report if such report is requested by the court.” In no case, unless the defendant expressly waives his right to move in arrest of judgment or for new trial, shall judgment be rendered or sentence pronounced before the expiration of five days after a verdict or finding of guilty, and after the overruling of any motion in arrest of judgment or for a new trial.”*Criminal Procedure Law, Rev Code 2:23.2

A careful scrutiny of the above quoted provision shows that same is divided into three different components, mainly (1) a judgment of acquittal (2) a guilty judgment and (3) sentencing. The first component, judgment of acquittal is where the court sitting with or without a jury acquits the defendant of the charges in the indictment and judgment is immediately rendered. The second component deals with judgment after a guilty

verdict and the time judgment should be rendered. A reading of this section states that *“in no case...shall judgment be rendered or sentence pronounced before the expiration of five (5) days after the verdict or finding of guilty, and after the ruling of any motion in arrest of judgment or for a new trial.”* It should be noted that this provision conforms and incorporates the time, 4 days after the verdict in which a motion for new trial should be filed pursuant to section 22.1(3) of the Criminal Procedure Law and the time, 5 days after the verdict in which a motion in arrest of judgment should be made pursuant to section 22.2 of the Criminal Procedure Law.

The third component, deals with sentencing, the time of pronouncing a sentence and the method or procedure in sentencing. As above stated, section 23.2 provides that *“if the defendant is convicted, judgment shall be rendered and sentence pronounced without unreasonable delay, and after the receipt of a presentence report if such report is requested by the court.”*

What is the significance of this provision? A presentence report is an investigative report prepared by the probation service officer of the court containing pertinent information about a guilty defendant to aid a court in imposing the appropriate sentence and the judge may consider hearsay information in that report. The Penal Law Rev Code 26:51.1 which deals explicitly with sentencing methodology and the issue of a pre-sentence report provides thus:

“...before pronouncement of sentence in all cases of felonies and first degree misdemeanors, there shall be a hearing before the court. If a pre-sentence investigation and report have been made in conformity with the provisions of Section 31.5 of the Criminal Procedure Law, including the case of a first degree misdemeanor, the procedure therein specified with regard to notice to defendant of the factual contents of such report and opportunity to controvert shall be followed.”

Also the Criminal Procedure Law in addressing the concept of a presentence investigation and a sentencing hearing provides as follow:

“the trial court shall not impose sentence without first ordering the probation service of the court to make a presentence investigation of the defendant and according due consideration to a written report of such investigation where:

- a) The defendant has been convicted of a crime punishable more than one year’s imprisonment; or*
- b) The defendant is less than 21 years of age and has been convicted of a crime; or*
- c) The defendant may be sentenced as a repeated offender under the Penal Law or as a multiple offender under section 31.6 of this title*

The presentence investigation shall include an analysis of the circumstances attending the commission of the crime, the defendant’s history of the delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and

personal habits, any other matters that the probation officer deems relevant or the court directs to be included. Before imposing sentence, the court may order the defendant to submit psychiatric observation and examination for a period not exceeding 10 days. The court shall then advise the defendant or his counsel of the factual contents and the conclusions of any presentence investigation or psychiatric examination and afford the fair opportunity, if the defendant so requests to controvert them.” Criminal Procedure Law Rev Code 2:31.5(1)(3)(4)(5); 21 AmJur 2d Criminal Law § 747.

This position of the Criminal Procedure and Penal Laws regarding sentencing is buttressed by the Supreme Court when it articulated that:

“...before pronouncement of a sentence in all cases of felonies and first degree misdemeanors, there shall be a hearing before the court. The court shall not impose sentence without first ordering the probation service of the court to make a presentence investigation of the defendant; that the sentencing hearing shall be held and sentence pronounced during the same term of court at which the defendant shall have the right to (a) counsel (b) to present evidence on his own behalf and (c) to subpoena witnesses subject to limitation if the court believes that such right is being abused.” Yates & Brown v. Republic, Supreme Court Opinion, October Term A.D. 2015; Also see: Criminal Procedure Law Rev Code 2:31.5; Id.23.2; Id. 23.3; Penal Law Rev Code 26:51.1”

According to the Penal Law, the court may consider and rely on hearsay evidence, which might be included in the presentence report or presented orally at the sentencing hearing. It should be noted that it is the duty of the defense counsel at a sentencing hearing to present evidence that might mitigate the sentence or refute any inaccuracies contained in the pre-sentence report by challenging any material in the presentence report detrimental to his client or, recommend sentencing alternatives like community service for the defendant or, recommend a sentence which most accurately meet the need of the defendant since the defense counsel is also an arm of the court.

Meanwhile, it is the duty of the prosecutor to appear before the court and present any evidence available relating to the type and severity of the sentence which should be imposed on the defendant. The prosecutor shall not seek the harshest sentence possible, but the one which, in his judgment, is most likely to achieve the purposes of the Penal Law. The Penal Law Rev Code 26:51.1(4)(5)(6)

Let me quickly note that although the unambiguous wordings of the law regarding presentence investigation does not cover defendants found guilty of capital offenses (e.g. treason, 1st degree murder, 1st

degree rape, etc.) which are heinous and punishable by life imprisonment or death, section 51.3 of the Penal Law however permits a possibility for these heinous social deviants to benefit from sentence of life imprisonment instead of a death sentence.

According to this provision of the Penal Law *“when a defendant is found guilty of any crime which subjects him to a sentence of death, the court shall impose a sentence of life imprisonment if it is satisfied that:*

- (a) None of the aggravating circumstances enumerated in paragraph 7 or 8 of this section was established by the evidence at the trial or will be established if further proceedings are initiated under paragraph 2 of this section; or*
- (b) The defendant was less than 18 years of age at the time of the commission of the crime; or*
- (c) Although the evidence suffices to sustain the verdict, it does not foreclose all doubt respecting the defendant’s guilt; or*
- (d) There are other substantial mitigating circumstances which render sentence of death unwarranted.”*

The Penal Law provides that separate proceedings in this regard shall be conducted; that unless the court imposes sentence of life imprisonment it shall conduct a proceeding to determine whether the defendant should be sentenced to death or life imprisonment; that the proceedings shall be conducted before the court sitting with the jury which determined the defendant’s guilt unless that jury has been discharged, in which case a new jury shall be empaneled for the purpose of determining the penalty. I observed that in this separate proceeding, evidence may be presented by either party, the prosecution or the defendant or the defense counsel as to any matter relevant to sentence including the nature and circumstances of the crime, defendant’s character, background, history, mental and physical condition, and any aggravating or mitigating circumstances. Any such evidence not legally privileged, which the court deems to have probative force may be received regardless of its admissibility under the exclusionary rules of evidence, provided that counsel be accorded a fair opportunity to rebut such evidence. The prosecuting attorney and the defendant or his counsel shall be permitted to present argument for or against sentence of death. The determination whether a sentence of death shall be imposed shall be in the discretion of the court and the court may impose a sentence of life imprisonment even though the jury recommends death. If the jury recommends against the sentence of death or if the jury is unable to reach a unanimous verdict, the court shall dismiss the jury and impose a sentence of life imprisonment. *Id.* 51.3(2)(3)(4)

Pursuant to a defendant's constitutional right to appeal, the Penal Law espoused that the defendant may appeal from any sentence imposed by the court on the ground that it is irregular or improper and this appeal from sentencing is separate and distinct from the main appeal. The Penal Law states thus:

*“appeal shall be taken by oral announcement in open court at the time of imposition of sentence. The clerk of the court shall transmit at least six copies of the record on appeal to the appellate court within ninety days after imposition of the sentence and a copy shall be served on the appellee within the same time limit. The clerk of the appellate court shall docket the case forthwith and forward a receipt for the record to the clerk who transmitted it. The record on appeal shall include a copy of any pre-sentence report that was prepared, a transcript of the testimony before the sentencing court, and a copy of the statement of reason for the sentence imposed required by paragraph 8 of section 51.1. **The provisions of section 24.9 of the Criminal Procedure Law with regard to the notice of completion of the appeal shall apply to appeals taken from the imposition of sentence. The appellate court may provide by rule of court for consolidation of the appeals from judgment of conviction and from the sentence pertaining to the same defendant.**”*^{Id.}51.2 [Our Emphasis]

Simply put, a defendant who has appealed from a guilty verdict and judgment may also appeal from the pronouncement of a sentence and the appellate court pursuant to this provision of law may consolidate both appeals and enter the requisite judgment and sentence that the trial court should have entered.

The Supreme Court in a recent case observed that sentencing hearings are not usually conducted in our trial courts although our Criminal Procedure and Penal Laws explicitly provide for same, thus inflicting punishment absent a presentence report or a fair assessment as to whether the defendant poses a risk to society. This assertion is evident by the fact that records transmitted to the Supreme Court for criminal cases on appeal are completely void of sentencing hearing; that there are no rules that have been promulgated on how appeals from sentencing hearing and regular appeals should be consolidated as one since both are distinct and; also there are absolutely no precedent on sentencing hearing except for the case *Yates & Brown v. Republic, Supreme Court Opinion, October Term A.D. 2015* wherein the Court observed this inadvertence and opined therein that judges are not applying the relevant provisions of the laws relating to sentencing hearing.

The facts in the *Yates & Brown v. R.L.* case reveal that due to a land dispute between the appellants and the private prosecutor, the appellants entered the private prosecutor's property and destroyed the private prosecutor's construction materials valued at US \$12,500.00(Twelve Thousand Five Hundred United States Dollars).The appellants were charged for criminal mischief, tried and then subsequently convicted. The trial judge

in his final judgment affirmed the verdict but did not conduct a sentencing hearing before pronouncing sentence; the judge ordered the appellants to retribute the amount of US \$12,500.00(Twelve Thousand Five Hundred United States Dollars)and that only upon failure to pay this amount, the appellants be committed to prison for two years.

On appeal the Supreme Court confirmed the final judgment but with modification, holding that the order by the trial judge could not be regarded as sentencing for same was contrary to our criminal statute regarding sentencing and restitution.

The Criminal Procedure Law Rev. Code 2:31.1(4) states that:

*“the court **may (emphasis added)** include in the sentence an order of restitution of the property or its value in favor of the person wrongfully deprived thereof.” Criminal Procedure Law Rev Code 2:31.1(4).”*

The Penal Law Rev Code 26:50.9(5) also provides that:

“Restitution. Unless restitution has been made prior to sentencing the court shall include in the sentence an order directing the defendant to return the property or pay its value to the person wrongfully deprived thereof...”

The Honorable Supreme Court interpreted these provisions of the statutes by holding that:

*“an order of restitution **shall (emphasis added)** be included in the sentence, meaning that the law requires that restitution shall be ordered in addition to the other forms of punishment.” Swen v. Republic 40LLR 138,147 (2000).*

In remanding the case to the trial court for sentencing hearing the Court held as follow:

“the law provides specific procedures for sentencing which, we note has not been applied or followed by our judges before sentencing a defendant; that a sentencing hearing is intended to establish whether the defendant has been convicted of a crime punishable by imprisonment; or whether the defendant may be sentenced as a repeated offender, or as a multiple offender.”

The Supreme Court observed that had the trial judge conducted a sentencing hearing and requested a presentence investigative report from the probation service officer about the appellants, the judge would have obtained pertinent information about the appellants 'criminal history, the character and condition of the appellants as to the grade of sentencing and, whether the imprisonment of the appellants is necessary for the protection of the public or otherwise suspend sentence on the grounds as provided by the law. But this was not done and it is still not being done as sentences form an integral part of the trial courts' final judgment without conducting a

sentencing hearing and without a presentence investigative report. And, this has been a contributing factor to the overcrowding of our prisons across the country with defendants that may be entitled to a suspended sentence, probation or a fine.

To sentence a defendant to imprisonment the Criminal Procedure Law mandates that trial judges give due regards to the nature of the crime and determine whether or not the defendant possesses an undue risk to the general public. Section 33.1 of the Criminal Procedure Law provides:

“the court shall deal with a person who has been convicted of a crime without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character, and condition of the defendant, it is of the opinion that his imprisonment is necessary for protection of the public because:

- (a) There is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime; or*
- (b) The defendant is in need of correctional treatment that can be provided most effectively by his imprisonment; or*
- (c) Imprisonment will tend to deter commission of the same type of crime by others; or*
- (d) A lesser sentence will depreciate the seriousness of the defendant's crime.”*

On the other hand, to suspend a sentence, the Criminal Procedure Law requires that the trial court make a determination as follow:

- a) “that the defendant criminal conduct neither caused nor threaten serious harm;*
- b) that the defendant did not contemplate that his criminal conduct would cause or threaten serious harm;*
- c) that the defendant acted under strong provocation;*
- d) that there were substantial grounds tending to excuse or justify the defendant's criminal conduct;*
- e) that the victim of the defendant's criminal conduct induced or facilitated its commission;*
- f) that the defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he sustained;*
- g) that the defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crimes;*
- h) that the defendant's criminal conduct was the result of circumstances unlikely to recur;*
- i) that the character and attitudes of the defendant indicate that he is unlikely to commit another crime;*
- j) that the defendant is particularly likely to respond affirmatively to probationary treatment.*
- k) that the imprisonment of the defendant would entail excessive hardship to himself or his dependents” Id. 33.1(2).*

It must be emphasized that in suspending a sentence or placing a defendant on probation, the court is not authorized to out-rightly release the defendant unconditionally without imposing restraints; rather, the law requires that the court attach reasonable conditions it deems necessary that will reform the defendant as a law abiding-citizen. The Criminal Procedure Law Rev Code 2:33.2(2) which outlines the probationary conditions that the defendant must adhere to provides thus:

“The court, as a condition of its order, may require the defendant:

- (a) To meet his family responsibilities;*
- (b) To devote himself to a specific employment or occupation;*
- (c) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;*
- (d) To pursue a prescribed secular course of study or vocational training;*
- (e) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;*
- (f) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;*
- (g) To have in his possession no firearm or other dangerous weapon unless granted written permission;*
- (h) To pay a fine in one sum or in several installments;*
- (i) To make restitution of the fruits of his crime or to make reparation in an amount he can afford to pay, for the loss or damage caused thereby;*
- (j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;*
- (k) To report as directed to the court or the probation officer and to permit the officer to visit his home;*
- (l) To post a bond, with or without surety, conditioned on the performance of any of the foregoing obligations;*
- (m) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.”*

The above cited provisions of the Criminal Procedure Law show that the law does not favor an out-right release of a guilty defendant unconditionally that has been duly tried and convicted by his peers. In fact, the Supreme Court has held that:

“the object of all trials in criminal courts is to relive the innocent and punish the guilty and it is not within the discretion of a judge to release a guilty defendant when the jury have found him to be a fit subject of punishment for crime unless the judge set the verdict aside and award a new trial.

"*Flowers & Head v. Republic*, 1LLR 334, 336(1899); *Republic v. Weafuah*, 16LLR 122, 128(1964).

In criminal law there are two (2) theories as to why criminal courts must sentence or punish a guilty defendant. These theories are known as Utilitarian Justice and Retributive Justice.

According to the Utilitarian school of thought the object of all punishment is to serve as general deterrence, specific deterrence and rehabilitation.

- a) *General deterrence*: focuses on general prevention of crime by making examples of specific deviants. Example if 'A' commits a crime 'A' should be sentenced and punished to convince the general community to forgo a similar criminal conduct in the future.
- b) *Specific deterrence*: is a method of punishment intended to discourage criminal behavior in the specific individual charged with the crime. Example if 'A' commits a crime 'A' should be sentenced and punished to deter 'A' from committing similar crime in the future.
- c) *Rehabilitation*: the process of educating or reforming a guilty defendant to refrain from committing crimes. See Steven L. Emanuel, *Criminal Law*.

It should be noted that in sharp contrast to Utilitarian theory, Retributive justice requires that the best response to a crime is a proportionate [punishment](#), inflicted rather than to serve an extrinsic social purpose, such as [deterrence](#) or [rehabilitation](#) of the offender. Retributive theory states that when an offender breaks the law, justice requires that the guilty be sentenced to an equivalent suffering in return. Retributive concept is common to most cultures throughout the world example in the [ancient Jewish](#) culture it is included in the [law of Moses](#), ([Deuteronomy](#) 19:17-21, and [Exodus](#) 21:23-21:27), which includes the punishments of "life for life, [eye for eye](#), tooth for tooth, hand for hand, foot for foot". Ronen Perry, *The Role of Retributive Justice in Common Law of Torts: A Descriptive Theory*, *Tennessee Law Review*, Vol. 73, 2006.

I now put it to you the audience. Which of these schools of thought is more suitable to our jurisprudence, utilitarianism or retributivism? The answer I leave to you.

In concluding this paper, it is my reflection that the significance of sentencing hearing is a tool to strengthen the rule of law and improve our overall justice system. A sentencing hearing is an effective and efficient tool for the rule of law in that it prevents arbitrary judicial power in sentencing a guilty defendant and provides possible rehabilitation for the individual deviant and the community, including protection. It is important to note that pursuant to Article 11(c) of the 1986 Constitution all persons are entitled to the equal protection of the law hence, it is cardinal that in sentencing a guilty defendant, we should protect the rights of a guilty defendant from excessive punishment by adhering to the requisite provisions of the Criminal Procedure and Penal Laws, as well other applicable laws, to ensure that sentences are based on a well-informed court. By utilizing a

presentence investigative report, a judge will ensure that a guilty defendant receives a just and equitable sentence that will adequately meet the need of the criminal justice system and the general public regardless of whether it serves retributivism or utilitarianism. The most significant aspect in sentencing is that the relevant laws and procedures are adhered to and that defendants are sentenced accordingly.

I thank You!

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That judges endeavor to conduct presentence hearings before sentencing a defendant.
2. Courts shall utilize the services of court assigned probation officers; and in the absence of probation officers, judges may hear from counsels representing the parties and other sources to provide relevant information that will help in guiding the court in handing down sentences.

TOPIC. 4

RELIEF FROM JUDGEMENT

Presented by:

Her Honor, Jamesetta H. Wolokolie

ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

To the Judicial Retreat

Held in Gbarnga, Bong County

From Wednesday to Saturday, May 17-20, 2017

OUTLINE

- ▶ Statutory definition
- ▶ Case law application
- ▶ Procedure for filing for Relief from Judgment; where, when & how
- ▶ Seeking Relief from Judgment; Timeliness and Reasonableness
- ▶ Effect of filing for Relief from Judgment
- ▶ Effect of granting Relief from Judgment
- ▶ Judicial Conflict

RELIEF FROM JUDGMENT: STATUTORY DEFINITION.

(1LCLR, 41.7)

1. *Common law writs to secure relief from judgment abolished.* Writs of *coram nobis*, *coram vobis*, *audita querela*, and bills of review and bills in the nature of a bill of review are abolished for use in civil proceedings, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in this section or by an independent action.
2. *Grounds.* On motion and upon such terms as are just the court may relieve a party or his legal representative from a final judgment for the following reasons:
 - (a) Mistake, inadvertence, surprise, or excusable neglect;
 - (b) Newly discovered evidence which, if introduced at the trial, would probably have produced a different result and which by due diligence could not have been discovered in time to move for a new trial under the provisions of section 26.4 of this title;

- (c) Fraud (whether intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
 - (d) Voidness of the judgment; or
 - (e) Satisfaction, release, or discharge of the judgment or reversal or vacating of a prior judgment or order on which it is based, or in-equitableness in allowing prospective application to the judgment.
- ▶ 3. *Time for motion.* A motion under this section shall be made within a reasonable time after judgment is entered.
 - ▶ 4. *Effect of motion.* A motion under this section does not affect the finality of a judgment or suspend its operation. This section does not limit the power of a court to entertain an independent action to relieve a party from a judgment or to grant relief to a defendant under section.
 - ▶ 5. *Restitution.* Where a judgment is set aside, the court may direct and enforce restitution in like manner and subject to the same conditions as where a judgment is reversed or modified on appeal

CASE LAW APPLICATION.

Stubblefield v. Nasseh, 25 LLR 24, 30-31 (1976)

A motion from relief of judgment when timely made, is another means by which litigants can gain relief from an erroneous or unwarranted judgment. It is in the nature of a review, and is a separate proceeding from an action sought to be review. It is a new action, not a further step in the former action. Review is said to be equivalent to a new trial after judgment. However, the original judgment is not set aside, but stands until the judgment is reviewed. The motion does not suspend the operation of the final judgment, or prevent the issuance and execution of final process on it.

ADDITIONAL CASES reciting the statute: Richards v. Pupo et al., 31 LLR, 127,133-134 (1983); Sesay v. Roberts, 37 LLR, 359, 363 (1993); Konneh v. Marshall, 40 LLR, 429, 436-437 (2001); Varney et al. v. Kollor, Supreme Court Opinion, October Term, A.D. 2015;

PROCEDURE FOR FILING FOR RELIEF FROM JUDGMENT: WHEN, WHERE & HOW

- ▶ **When:**
 - Section 41.7.3 requires a party seeking relief from judgment to file within a reasonable time after the rendition of the final judgment from which the relief is being sought.

SUPREME COURT OPINIONS:

- *Stubblefield v. Nasseh*, 25 LLR, 24, 30 (1976); Richards v. Pupo et al., 31 LLR, 127,133-134 (1983); Varney et al. v. Kollor, Supreme Court Opinion, October Term, A.D. 2015

PROCEDURE CONTINUES:

▶ Where:

- Relief from Judgment is cognizable before a trial court or administrative hearing from which the action was adjudicated.

SUPREME COURT OPINIONS:

A motion for relief from judgment is addressed to the sound discretion of the court, and its action will not be disturbed on appeal unless there is a clear showing that the **TRIAL COURT** has abused its discretion. *Kamara et al. v. Kindi*, 39 LLR 102, 112, 113 (1998); *Former Workers of REGSA v. REGSA*, 38 LLR 444, 462 (1997); *Montgomery v. Hall*, 38 LLR, 378, 383 (1997); *Boveri Cie et al. v. Lewis*, 26 LLR 170, 179 (1977); *OXFAM v. Natt et al.*, Supreme Court Opinion, March Term, A.D. 2008

▶ How:

Section 41.7.1 grants unto a party seeking Relief from Judgment two options by which he/she/it may come before court; by motion or independent action.

***Konneh et al. v. Marshall*, 40 LLR, 429 437 (2001)**

SEEKING RELIEF FROM JUDGMENT: TIMELINESS & REASONABLENESS OF FILING

▶ Timeliness:

Section 41.7.3 requires a party seeking Relief from Judgment to file his/her motion/independent action within a reasonable time.

SUPREME COURT OPINIONS:

Richards v. Pupo et al., 31 LLR, 127, 134 (1983); *Kamara et al. v. Kindi*, 39 LLR 102, 112 (1998); *OXFAM v. Natt et al.*, Supreme Court Opinion, March Term, A.D. 2008; *Varney et al. v. Kollor*, Supreme Court Opinion, October Term, A.D. 2015

THE EFFECT OF FILING FOR RELIEF FROM JUDGMENT

▶ EFFECT of Filing(41.7.4):

- Does not affect the finality of a judgment or suspend its operation.
- Does not limit the power of a court to entertain an independent action to relieve a party from a judgment or to grant relief to a defendant under section 3.44.
- ▶ “...the original judgment is not set aside, but stands until the judgment is reviewed. The motion does not suspend the operation of the final judgment, or prevent the issuance and execution of final process on it.”

Stubblefield v. Nasseh, 25 LLR 24, 31 (1976)

THE EFFECT OF GRANTING RELIEF FROM JUDGMENT

- Sets aside the final judgment
- May be appealed from
- Court may direct or enforce restitution of benefits accrued under the judgment that is set aside. 1LCLR 41.7.5
 - ▶ “A ruling on a motion from relief from judgment is final, from which an appeal can be taken, because in order to vacate or set aside a judgment there must be a direct proceeding for that purpose, not a mere incident to the progress of the cause or to the execution of the judgment, and one which is appropriate to the relief sought.” ***Stubblefield v. Nasseh, 25 LLR 24, 27 (1976)***

MOTION FOR NEW TRIAL AND RELIEF FROM JUDGMENT: DISTINGUISHED

RELIEF FROM JUDGMENT

File after final judgment

Sets aside the judgment; hearing is based solely on the issues for which the relief is being sought.

May be appealed from in a manner similar to final judgment

Maybe a motion or independent action

MOTION NEW TRIAL

File before final judgment/during trial

Provides for a rehearing of the facts and submission of evidence before a new jury

Generally not appealable; within the sound discretion of the judge

Is a motion

JUDICIAL CONFLICT/ DISCUSSION

ISSUE #1:

How can one reconcile or differentiate Relief from Judgment from the rule that a judge of concurrent jurisdiction cannot overturn the ruling of his/her predecessor?

Rule in Case Law:

One judge cannot review or reverse the ruling or action of another judge of concurrent jurisdiction; Neither can a concurrent judge or succeeding judge review the acts and decision of the other concurrent or predecessor judge.

***Teah v. Andrews et al.*, 39 LLR 493, 499 (1999); *Buchanan-Horton, v. Belleh et al.*, 39 LLR, 174 (1998).**

ISSUE #2

- ▶ What is the effect of Appeal on Relief from Judgment?
 - Upon announcement of appeal.
 - Upon perfection of appeal.
 - Upon final judgment on appeal.

ISSUE #3

- ▶ Can Relief from Judgment be used to prevent the enforcement of judgment where such enforcement would bring about manifest injustice to an innocent third party?

THANKS FOR YOUR ATTENTION & PARTICIPATION

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That the discretion of a judge is subject to appellate review where the judge's conduct amounts to a patent abuse of discretionary power resulting to the prejudice of a party litigant.
2. That our statute on Relief from Judgement presents conflicts in its application, which requires the constitution of a review committee to examine this provision of the law and make appropriate recommendations to harmonize and provide clarity to this provision and other settled principles of law to prevent miscarriage of justice.

TOPIC 5. CHALLENGES IN THE EFFECTIVE IMPLEMENTATION OF THE JURY LAW

Presented by:

**His Honor Kabineh M. Ja'neh
ASSOCIATE JUSTICE, SUPREME
COURT OF LIBERIA
To the Judicial Retreat**

**Held in Gbarnga, Bong County
From Wednesday to Saturday,
May 17-20, 2017**

This topic was introduced by His Honor, Mr. Justice Kabineh M. Ja'neh who provided the platform to Cllr. George Katakpah, National Jury Manager, to lead the plenary discussions on the subject matter.



Cllr. Katakpah laid out the legal framework of the New Jury Law and some of the challenges associated with its implementation specifically with regards to:

3. Setting up of the Jury Management Office in each county as per the law (noting that said office is now functioning in 7 of the 15 counties),
4. Jury selection (especially out of Montserrado County), and,
5. Adequate public education of the New Jury Law.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That, adequate public education and information campaign be carried out on the New Jury Law.
2. That, funding be sourced from Nation Government for the full establishment of the Jury Management Offices in the remaining 8 Counties.
3. That, transportation allowances may be provided for prospective jurors summoned, but not selected to serve.

TOPIC 6.

EFFECTIVE COURTROOM MANAGEMENT AND PROCEDURES

By:

Resident Circuit Judge Boima J. Konto, 9th Judicial Circuit, Bong County

And

Chief Judge Eva Mappy Morgan, Commercial Court, Liberia

Judicial Retreat 17 -20 May 2017

9th Judicial Circuit, Bong County, Republic of Liberia

TABLE OF CONTENTS

- ❖ Introduction
- ❖ Discussion/Analysis of relevant canons
- ❖ Discussion/Analysis of relevant procedures
- ❖ Key Findings
- ❖ Recommendations
- ❖ Conclusion

INTRODUCTION.

In 1999 the Honorable Supreme Court of Liberia promulgated the Judicial Canons for the governance of the conduct of judges. Relevant provisions of the canons serve as useful tools for the effective management of our courtrooms. Our approach to this presentation is to walk through some of those relevant provisions of the canons which judges employ on a daily basis. Included are questions along with the canons to trigger our thoughts on the challenges, processes, etc., in effective courtroom management.

Court - Last Place of Hope.

“The Court is the Last place of hope for man on earth and therefore the judge therein presiding must live above reproach; he shall not receive or demand fees for approving a bond or signing an order; nor raise unreasonable technicalities in the hope of receiving prerequisites before approving the bond or order duly present.” **JC-5**

Duty of a Judge.

To uphold and support the Constitution and the laws of the land as guardian of the Constitution. A Judge should fearlessly observe and apply fundamental rights and guarantees. **JC 9**

What is the application of this principle in the face of influence and other factors?

Promptness.

Prompt in performance of judicial duties.

Recognizing time value of lawyers litigants, jurors and court users

Frequent tardiness is cause for discontent by lawyers, litigants, jurors and court users – **JC15**

To what level might a judge who is always late undermine effective management of his/her court?

Independence.

A judge should not be influenced by partisan demands, public clamor, or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticisms – **JC16**

What might be the role of the Judiciary whose justices and judges are seemingly subjects of smear campaigns?

Court's Organization.

Organize Court to ensure quick order of business, with little tolerance of abuse and neglect of clerks. Office staff must not take advantage of a judge's good nature because of his/her association with them. **JC 18**

How might a judge undermine his/her authority to effectively manage his/her court due the level of sociability with staff?

Courtesy and Civility.

Professional courtesy required from lawyers, clerks, all court personnel towards jurors, litigants, witnesses, court users, etc. **JC 20**

How does the lack of courtesy by court personnel towards persons in contact or conflict with the law impact the effective administration of the law?

Correcting improper conduct.

Use authority to comment and censure lawyer's disruptive behavior. Judge may submit matter to grievance and ethics committee for appropriate action when judge's action is insufficient to correct lawyer's behavior– **JC21**

To what extend does a judge's corrective measure overturned by the Honorable Supreme Court handicaps effective court room management and procedures?

Interference by Judge.

Although conversation necessary between bench and bar during proceedings, a judge must avoid controversy which obscure the essence of the case, and his/her speech and tone must be moderate. But for clarification,

counsels are to argue cases without interruptions. Sidestep playing to the gallery, attempt to display knowledge and impression of a premature judgment due to frequent interruptions. **JC 22**

What might a judge do when it is obvious that manifest injustice will obtain if counsel is not interrupted during arguments, especially in jury trials?

Quirks and Contradictions.

Justice not shaped by judges' peculiarities but by law. Judgments should not cater to the spectacular or sensational. Courts to respect person brought before them and not subject them to abuse or sundry forms of intimidations on account that same will be a beneficial corrective influence. Any form of discipline must be guided by law. **JC 26**

Is the judge's ruling although supported by law, not shaped by experiences, education, public policy, etc.,?

Conduct of Proceedings.

Proceedings conduct to reflect importance of matter to get the truth.

Administer oath to impress upon witnesses of the solemnity of process and their pledge to speak the truth. **JC 32**

What do we imagine is the effect on witnesses, litigant, jurors and entire proceedings of an oath frivolously administered?

Judicial Opinions.

- ▶ State reasons in disposing controversial matters
 - ▶ Show that serious arguments not overlooked
 - ▶ Exhibit full understanding of matter,
 - ▶ Avoid suspicion of uninformed conclusion
 - ▶ Promotes confidence in intellectual integrity and contributes to useful precedent to the growth of the law
- JC 34**

Do we contend that only controversial cases pass this test?

Summary of Judicial Obligation.

- ▶ "In every particular case a judge's conduct should always be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial fearless of public clamor regardless of public praise, and indifferent to private, political or partisan influence; he should administer justice according to law, and deal with his appointment as a public trust, he should not allow another affairs or his private interest to interfere with the prompt and proper performance of his judicial duties nor

should he administer the office for the purpose of advancing his personal ambitious or increasing his popularity” **JC 38**

Key Findings.

Effective courtroom management and procedures hindered by some of the below:

1. Inadequate training of clerks and court personnel.
2. Inappropriate environment.
3. Inadequate ventilation.
4. Unsuitable architectural design.
5. Lack of training in courtroom management.
6. Inadequate accommodation for judges riding circuit.
7. Inadequate record keeping.
8. Limited supervision and audit of court files.
9. Limited visitation to prison and jails.
10. Insufficient records submitted for appellate review.
11. Returns/Reports to Honorable Supreme Court not always reflective of courts' problem.
12. No law clerks for trial judges.
13. Trial courts' Judgment not in conformity with judicial order # 4
14. Improper dress and drunkenness of judges

RECOMMENDATIONS.

1. Continuous training of clerks all court personnel
2. Construct more court houses providing adequate space for subordinate courts in the circuit.
3. Ensure adequate ventilation: fans, air conditioners, open windows etc., - things that assure a level of ease for all persons in the proceedings.
4. Ensure suitable courtroom with designs that supports privacy and confidentiality of chamber proceedings and security of judges.
5. Provide training to judges and magistrates in courtroom management.
6. Provide continuous training on courtroom procedures.

7. Provide proper housing for judges riding the circuit to include court staff traveling with them.
8. Ensure accurate record keeping and regular audit of files
9. Ensure date, time and signature stamped on court precepts.
10. Ensure routine inspection of prisons and jails for protection of inmate's constitutional rights.
11. Ensure adequate and accurate records submitted for appellate review.
12. Ensure Returns/Report to Honorable Supreme Court accurately reflect activities for period covered.
13. Ensure confidence of parties before court through fair, speedy and effective handling of proceedings.
14. Ensure judgments are written consistent with judicial order # 4
15. Ensure proper dress and behavior at all times

CONCLUSION.

As keepers of the flame of justice, judges have a demanding task. The canons inter alia directs that the court is the last place of hope for man on this earth and that proceedings be conducted to reflect the somberness of the pursuit of justice. Temperate, attentive, impartial, studious and diligent are qualities judges must have. As priests of justice, no other branch of government is held to good moral character, save the judge. Article 68 (a) Constitution of Liberia 1986. Therefore, a judge's conduct must be above reproach, exude fairness, integrity, moral and professional responsibility to duty amongst others. The accomplishment of many of the named qualities promotes confidence in the judiciary and operates for effective courtroom management and procedures.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held after the presentation of this paper and the following conclusions arrived at:

1. That in the effective management of courts, judges shall refrain from acts inimical to the dignity of the court.
2. That there shall be no demonstration or rallies on the premises of courts and that the Honorable Supreme Court shall publish a judicial order which bars demonstration and unruly behavior on court premises.
3. Judges shall uphold the dignity of the courts at all times.
4. That judges abstain from all political frays and alignments at all times and uphold the independence and neutrality of the Judiciary.

PART II: ROUNDTABLE DISCUSSION:

A major component of the Judicial Retreat was the Roundtable Discussion Session held to have frank and open discussion amongst justices, judges and magistrates on other pertinent areas of concern to the administration of justice in the country. We herewith highlight the those major areas of concerns that formed the focus of the roundtable discussions and the general consensus reached by the plenary on the way forward.

2.1 Talking Points.

1. PRE-TRIAL DETENTION: (ISSUES)

Persons accused of petite offenses have been placed in prison due to their inability to file a criminal appearance bond or cash bond. Magistrates have been reluctant to allow family members, in some instances, community leaders and/or prominent personalities in the society to take personal recognizance of defendants as required by Chapter 13, section 13.5 of the Criminal Procedure Law. This action on the part of magistrates has led to prison over crowdedness;

Magistrates in Montserrado County that should attend weekly sitting of the Magistrates Sitting Program at the Monrovia Central Prison are renegeing on their duties, thus keeping pretrial detainees in prison beyond statutory time.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, Magistrates should adhere to personal recognizance of defendants in low grade criminal cases, as provided for in Chapter 15, section 13.5 of the Criminal Procedure Law to avoid prison over crowdedness;
2. That, Magistrates should scrupulously observe their weekly schedule of the Magistrate Sitting Program at the Monrovia Central Prison.
3. That, the Judiciary shall endeavor to roll-out the Magistrate Sitting Program to other counties.

2. COURT FEES & FINES: (ISSUES)

The Supreme Court of Liberia, in keeping with law, has revised the Schedule on Court costs, fees and fines. Three banks have been identified by the Judiciary for lawyers and party litigants to deposit said fees; and where such banks are not available, be deposited with the Liberia Revenue Authority (LRA) within the locality of the court; the original copies of the receipt must be attached to the returns and send to the Office of the Chief Justice. To date, many judges have yet to implement this revised schedule to the letter, thus posing serious financial challenges to the accountancy of the Judiciary.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, Court costs, fees and fines must be deposited in banks designated by the Judiciary, and where such banks are not available, be deposited with the Liberia Revenue Authority (LRA) within the locality of the court; and,
2. That, the original copies of the receipt must be attached to the returns and sent to the Office of the Chief Justice as part of the Judges' Returns.

3. INCARCERATING DEFENDANTS IN ACTION OF DEBT (CPLR sec. 44.1): (ISSUE)

Defendants in action of Debt were being arrested and detained by judges for their failure to pay money judgment as required by the courts. There are some defendants that remain in prison for several months due to their inability to satisfy the judgment.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That judges should not detain a defendant in actions of debt in satisfaction of judgement.
2. That, instead, properties or assets of defendant should be attached and auctioned in order to satisfy the judgement.

4. JUDICIAL CORRUPTION: (ISSUE)

Opinions of the Supreme Court of Liberia are meant not only to resolve controversies between parties, but also to guide judges in deciding cases with similar facts and circumstances in keeping with the law. Judges are legally compelled to follow the trend of precedents in our jurisprudence. The perception of corruption is imputed where judges fail to follow precedents and settled laws, or conduct proceedings expeditiously;

Some of the negative public perception of the judiciary is based on lack of information, procedures and processes by which the court operates and dispose of cases before it. Developing programs to enlighten the public as to court procedures, processes and the adjudication of cases is essential and indispensable.

It is observed that the National Association of Trial Judges of Liberia is primarily concerned with advocacy for its members, but is doing less in instituting measures that will improve the conduct of its members. The Judicial Inquiry Commission (JIC) is overwhelmed with complaints on judges, whose conduct should be beyond reproach.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, the perception of corruption is imputed where judges fail to follow precedents and settled laws, or conduct proceedings expeditiously.
2. That, the judiciary develops programs to enlighten the public as to court procedure and the adjudication of cases.
3. That, the National Association of Trial Judges of Liberia (NATJL) institutes measures to scrutinize the conduct of its members to have them conform to the Judicial Canons, and take appropriate measures to correct their conduct.

5. DELAYS AND INEFFECTIVENESS IN HANDLING MATTERS IN MAGISTERIAL COURTS: (ISSUES)

That Circuit Judges are not exerting full supervision over the circuit as required by laws. They are primarily concerned with cases and complaints (summary) from magistrate courts. They are responsible to exercise supervisory role over magisterial districts within their circuits, judicial personnel and the court infrastructure;

That most of the judges' returns are incomplete as reports from the various magistrate courts are not captured, and the physical conditions of the premises are not reported on. Such failure leaves the court vulnerable until the Court Inspectorate Unit can make its periodic inspection.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, Circuit Judges shall exercise supervisory role over magisterial districts within their circuits. Such supervision shall not be limited to cases, but include personnel and the court infrastructure;
2. That, Circuit Judges shall include, in their returns to the Chief Justice, reports of each of the magistrate courts under their circuits.
3. That, Magistrates shall forward a monthly report of cases heard and disposed of and the physical condition of the court.

6. JUDICIAL ORDERS & THEIR IMPLEMENTATION: (ISSUE)

Opinions of the Honorable Supreme Court of Liberia are meant to be observed by all lawyers and judges of lower courts as the controlling law. Failure to acknowledge or adhere to the Court's opinion, constitute a blatant disregard of the law. The Honourable Supreme Court shall enforce its opinions by sanctioning lawyers whose negligence adversely affect the rights of their clients;

The Judicial website, www.judiciary.gov.lr, is the resource center of the Judiciary and that all Opinions and Judicial Orders of the Supreme Court shall be published on the Judicial website. Judges are obliged to visit the Judiciary website frequently and failure to do so, shall not be an excuse or a defense for disrespecting Opinions or Orders from the Supreme Court.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, the Honorable Supreme Court shall enforce its opinions by sanctioning lawyers whose negligence adversely affect the rights of their clients.
2. That, all Opinions and Judicial Orders of the Supreme Court shall be published on the Judiciary website (www.judiciary.gov.lr).
3. That, judges are obliged to visit the Judiciary website frequently and failure to do so, shall not be an excuse or a defense for disrespecting Opinions or Orders from the Supreme Court.

7. TREATMENT OF MAGISTRATES BY JUDGES & OF JUDGES BY JUSTICES: (ISSUE)

That the Judiciary is an integrity institution shall seek to maintain and uphold its integrity through coordination and mutual respect amongst the justices, judges and magistrates.

DISCUSSIONS AND CONCLUSIONS.

Plenary discussions were held on this subject matter and the following conclusions arrived at:

1. That, the Judiciary as an integrity institution shall endeavor to maintain and uphold its integrity through coordination and mutual respect amongst the justices, judges and magistrates.

2.2 CHARTING THE WAY FORWARD

- The recommendations made to chart the way forward for the Judiciary Branch of Government are captured in the final resolution adopted by the plenary of the retreat and signed by the Chief Justice and Associate Justices of the Supreme Court as stipulated below.



**CHIEF JUSTICE
SUPREME COURT OF LIBERIA**



**JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA**

RESOLUTIONS ADOPTED AT THE JUDICIAL RETREAT FOR JUSTICES AND JUDGES GBARNGA, BONG COUNTY, REPUBLIC OF LIBERIA May 17-22, 2017

The Judiciary of the Republic of Liberia convened a Judicial Retreat for Justices, Judges and Magistrates from May 17 – 20, 2017 in Gbarnga, Bong County. The purpose of the retreat was to critically review and take a retrospect look at the work of the courts, frankly discuss any shortcomings tending to negatively impact judicial actions and decisions, and seek ways to improve and recommit to dispensing justice fairly, impartially, transparently and in a timely manner. Towards this end, the following topics were discussed at the retreat:

1. Elections Dispute Resolution
2. Appeal Bonds
3. Arbitration and Investigative Survey in Ejectment Cases
4. Motion for New Trial (Is it Appealable?) (When?)
5. Sentencing
6. Motion for Relief from Judgment
7. Challenges in the Effective Implementation of the Jury Law
8. Effective Courtroom Management and Procedure

In addition, and under Part II of the Program, the organization of the retreat was transposed into the frame of roundtable discussions, as follows:

PART II: ROUNDTABLE DISCUSSION:

2.1 Talking Points:

1. Pretrial Detention
2. Court Cost Fees & Fines

3. Incarcerating Defendants in Debt Action (CLPR, sec. 44.1)
4. Judicial Corruption
5. Delays and Ineffectiveness in Handling Matters in Magisterial Courts
6. Judicial Orders & their Implementation
7. Treatment of Magistrates by Judges, of Judges by Justices
8. Judicial Retrospect and Concerns: Coordination amongst various levels of the Judiciary
9. Others.

After three days of deliberations, during which the participants reviewed and considered key areas in the law as indicated above, it was resolved as follows:

1. That in order to ensure the effective management of courts and maintain the integrity of these judicial institutions, Judges shall at all times refrain from acts inimical to the dignity of the courts and violative of the Judicial Canons.
2. That Judges shall abstain from all political frays and alignments, public and private, and uphold the principles of independence and neutrality of the Judiciary;
3. That because the perception of corruption is imputed where judges fail to follow precedence and settled laws, or conduct proceedings expeditiously, judges shall scrupulously adhere to the principle of procedure and ensure that disposition of proceedings are not delayed;
4. That in exercise of the discretion, a judge must keep in mind that such discretion is subject to appellate review where the judge's conduct amounts to a patent abuse of discretionary power that prejudices the right of a party litigant;
5. That the National Association of Trial Judges of Liberia shall institute measures to scrutinize the unprofessional conducts of its members to have them conform to the Judicial Canons and take appropriate measures, including recommendation(s) to the Supreme Court to correct their misconducts;

6. That Judges shall expeditiously conduct presentence hearings in criminal cases before sentencing a Defendant. Courts shall utilize the services of court assigned probation officers and in the absence of such probation officers, Judges shall hear from counsels representing the parties and other sources to provide relevant information that will help in guiding the courts in sentencing;
7. That Judges shall make all efforts to try criminal cases on their court dockets as soon as possible to minimize the perennial problem of high pre-trial detention;
8. That arbitration as provided for under Chapter 64 of the Civil Procedure Law, Liberian Code of Laws Revised (1973), may not be used by Courts in both commercial and ejectment cases except for those cases wherein the parties in their formal written agreements have agreed to submit to arbitration or upon recommendation of the court agree to and execute an instrument to the effect clearly setting forth the terms and conditions of the arbitration.
9. That arbitration and investigative survey being separate and distinct, in that arbitration is obtained from a written agreement reached by the parties setting out the issues to be adjudicated by an arbitral body, while investigative survey is ordered by the Court to provide technical advice and aid the court in arriving at a decision, courts shall ensure that the principles and conditions prerequisite to and governing same are strictly adhered to.
10. That judges are under obligation to examine bonds to ensure that the instruments are in compliance with the law; a judge shall not sign any bond that does not meet the requirement of the law.
11. That the Supreme Court shall vigorously pursue sanction against lawyers whose negligent acts adversely affect the rights of their clients; provided that the action

by the court does not prejudice the right of the clients or inhibit them from seeking other redresses or damages against the lawyers involved.

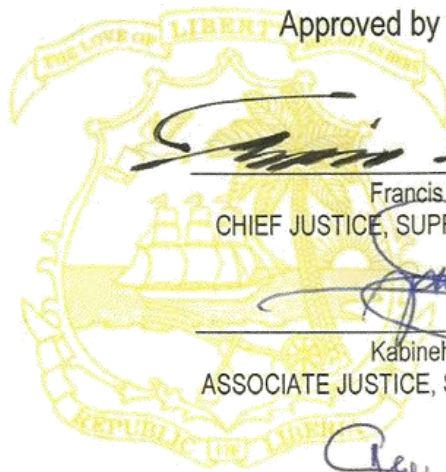
12. That as our statute on relief from judgment presents conflict in its application, there is a need to constitute a review committee to examine its provision and make appropriate recommendations to harmonize and provide clarity to the provision vis a vis other settled principles of law to prevent confusion and miscarriage of justice;
13. That only transportation allowance should be provided for prospective jurors summoned by not selected to serve;
14. That the Judiciary develops programs to inform and enlighten the public as to court procedures and the adjudication of cases;
15. That there shall be no demonstrations or rallies on the premises of courts. Judges shall uphold this order to avoid disturbance, chaos, interference and undue influence during judicial proceedings. The dignity of the courts shall be preserved at all times and the Supreme Court shall publish a judicial a judicial order barring demonstrations and unruly behaviors on court premises;
16. That all court cost, fees and fines must be deposited in banks designated by the Judiciary, and where such banks are not available, they be deposited with the Liberia Revenue Authority (LRA) within the locality of the court whereat such costs, fees and fines are imposed or due. The original copies of the receipt of payment of such fees and fines must be attached to returns of judges and sent to the office of the Chief Justice.


17. That there shall be coordination and mutual respect amongst Justices, Judges and Magistrates as members of the same Judiciary family.


DONE AND ADOPTED THIS 20TH DAY OF MAY AD. 2017, in the City of Gbarnga, Bong County, by the Retreat Resolution Committee:


1. Atty. Andrew N. Nimley, Jr.....Chairman
2. Atty. Elisha Forkeyoh.....Co-chairman
3. Atty. Darryl Ambrose Nmah..... Member
4. Mr. Francis K. Gray..... Member
5. Judge Eva Mappy Morgan.....Member

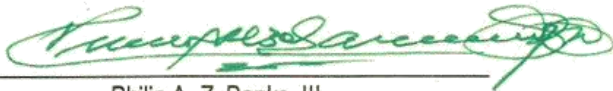
Approved by the Supreme Court:

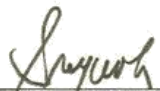



Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA


Kabineh M. Ja'neh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Jamesetta H. Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Philip A. Z. Banks, III
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


Sie-A-Nyerle G. Yuoh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

APPENDIX I: JUDICIAL RETREAT 2017- VARIOUS COMMITTEES AND MEMBERSHIP

1.1 COORDINATING COMMITTEE:

1. Atty. Sandra K. Howard Chairperson
2. Roberta Barclay-Francis Co-Chair
3. Francis Koko Gray Member
4. Eugene P. Merchant Member
5. Stephen Wontee, Sr. Member

1.2 REPORT & RESOLUTION COMMITTEE:

1. Her Honor, Eva Morgan Mappy
Chief Judge- Commercial Court Chairperson
2. Atty. Sandra K. Howard Co-Chair
3. Atty. Darryl Ambrose Nmah, Sr. Member
4. Atty. Andrew Nimley Member

1.3 SECRETARIAT:

1. Atty. Andrew Nimley Chairperson
2. Maxwell Teajay Co-Chair
3. Shirley A. Dennis Snoh Member
4. L. Amos T. Harris Member
5. Regina B. Teah Member
6. Theresa Passewe Member

1.4 PUBLIC INFORMATION:

1. Atty. Darryl Ambrose Nmah, Sr. Chairperson
2. Patrick Karmon Co-Chair
3. Peter Glee Member
4. Lewis Freeman Member

1.5 PROTOCOL:

1. Vera Norman Chairperson
2. Johnnetta Bracewell Member

1.6 RELIGIOUS AFFAIRS COMMITTEE

1. Rev. Cisco I. Brown Chaplain
2. Alhaji Mustapha Mombo IMAN

1.7 PROGRAM SUPPORT:

1. Chima Omeze Chairperson
2. Luvín Kesseh Co-Chair
3. Joanna Cuffy Member
4. Maimai Stevenson Member
5. Fatumata Sillah Member
6. Clinton Jethro Member
7. Jeremiah Tarr Member

APPENDIX II. MAY 17 – 20, 2017 JUDICIAL RETREAT ATTENDANCE

MAY 17- 20, 2017 – JUDGES’ RETREAT

REGISTRATION

2.1 JUSTICES, HONORABLE SUPREME COURT, R.L.

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>
1.	His Honor Francis S. Korkpor, Sr.	CHIEF JUSTICE
2.	His Honor Kabineh Ja’neh	ASSOCIATE JUSTICE
3.	Her Honor Jamesetta H. Wolokolie	ASSOCIATE JUSTICE
4.	His Honor Phillip A.Z. Banks, III	ASSOCIATE JUSTICE
5.	Her Honor Sie-A-Nyene Yuoh	ASSOCIATE JUSTICE

2.2 CIRCUIT & SPECIALIZED COURT JUDGES: 1ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY,

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Roosevelt Z. Willie	Circuit Judge Criminal Court “A”	1 st Judicial Circuit Montserrado County
2.	His Honor A. Blamo Dixon	Circuit Judge, Criminal Court “C”	1 st Judicial Circuit Montserrado County
3.	His Honor A. Sikajipo Wollor	Circuit Judge Criminal Court “D”	1 st Judicial Circuit Montserrado County
4.	Her Honor Ceaineh C. Johnson	Circuit Judge, Criminal Court “E”	1 st Judicial Circuit Montserrado County
5.	His Honor James E. Jones	Debt Court Judge	Montserrado County
6.	His Honor J. Vinton Holder	Monthly & Probate Court	Montserrado County
7.	His Honor Amos M. Fagans	Monthly & Probate Court Judge	Careysburg District
8.	His Honor Karsor K. Zubah	Traffic Court Judge	Bensonville City
9.	His Honor Jomah S. Jallah	Traffic Court Judge	Monrovia Traffic Ct.
10.	Her Honor Muna Sio	Judge, Juvenile Court	Montserrado County
11.	Her Honor Comfort Natt	Judge, Nat. Labor Court	Montserrado County
12.	His Honor Mozart Chesson	Judge, Tax Court	Montserrado County

2.2 CIRCUIT & SPECIALIZED COURT JUDGES: 1ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY,

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
13.	His Honor Eva Mappy Morgan	Chief Judge, Commercial Ct.	Montserratado County
14.	His Honor Chan-Chan A. Paegar	Asso. Judge, Commercial Ct.	Montserratado County
15.	His Honor Richard Klah	Asso. Judge, Commercial Ct.	Montserratado County
16.	His Honor Yamie Q. Gbeisay	Relieving Judge	Republic of Liberia
17.	His Honor James N. Gileyenneh	Relieving Judge	Republic of Liberia
18.	Cllr. George Katakpah	National Jury Manager	Republic of Liberia

2.3 STIPENDIARY MAGISTRATES, 1ST JUDICIAL CIRCUIT, MONTSERRADO COUNTY

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor J. Kennedy Peabody	Monrovia City Magisterial Court	Montserratado County
2.	His Honor James F. Dudu	Bushrod Island Magisterial Court	Montserratado County
3.	His Honor Francis Fayiah	Careysburg Magisterial Court	Montserratado County
4.	His Honor Ernest F.B. Bana	West Point Magisterial Court	Montserratado County
5.	His Honor Tweh Wesseh	Gardnersville Magisterial Court	Montserratado County
6.	His Honor John L. Griggs	Brewerville Magisterial Court	Montserratado County
7.	His Honor Joseph Watson	Clay-Ashland Magisterial Court	Montserratado County
8.	His Honor Quincy A.Q. Garnett	Bensonville Magisterial Court	Montserratado County
9.	His Honor James B. Cooper	Paynesville Magisterial Court	Montserratado County
19.	His Honor Joseph F. Harris,	J. A. A. Pierre Judicial Institute	Montserratado County
20.	His Honor John M. Gbetee	J. A. A. Pierre Judicial Institute	Montserratado County
21.	His Honor Nelson B. Chineh	J J. A. A. Pierre Judicial Institute	Montserratado County

**2.4 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
2ND JUDICIAL CIRCUIT, GRAND BASSA COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Benedict W. Holt	CIRCUIT JUDGE	2 nd Judicial Circuit Grand Bassa County
2.	His Honor Winston Dayougar	Owensgrove Magisterial Court	2 nd Judicial Circuit Grand Bassa County
3.	His Honor David w. Sojah	Palm-Bay Magisterial Court	2 nd Judicial Circuit Grand Bassa County

**2.5 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
3RD JUDICIAL CIRCUIT, SINOE COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Geeplay T. Konton	CIRCUIT JUDGE	3 rd Judicial Circuit Sinoe County
2.	His Honor Doe P. Nacklan	Traffic Judge Greenville City	3 rd Judicial Circuit Sinoe County
3.	His Honor Jerome S. Jabboe	Revenue Judge Greenville City	3 rd Judicial Circuit Sinoe County
4.	His Honor Jarpa Kun Toe	Revenue Judge Kpanyan District	3 rd Judicial Circuit Sinoe County
5.	His Honor Jah Nagbe Chea	Revenue Judge Jaedea District	3 rd Judicial Circuit Sinoe County
6.	His Honor John T. Toleh	Fruit Company Magisterial Court	3 rd Judicial Circuit Sinoe County
6.	His Honor Anthony Wea-Kpan	Tuzonburg Magisterial Court	3 rd Judicial Circuit Sinoe County
7.	His Honor Anthony K. Nimely	Dukue Magisterial Court	3 rd Judicial Circuit Sinoe County

**2.6 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
4TH JUDICIAL CIRCUIT, MARYLAND COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Nelson T. Tokpa	CIRCUIT JUDGE	4 th Judicial Circuit Maryland County
2.	His Honor Jonah Segbe	DEBT COURT JUDGE	4 th Judicial Circuit Maryland County
3.	His Honor A. Boye Mah	Pleebo Magisterial Court	4 th Judicial Circuit Maryland
4.	His Honor Alphonso Musu	Karloken Magisterial Court	4 th Judicial Circuit Maryland County
5.	His Honor Jeffer Torbor	Gedetarbo Magisterial Court	4 th Judicial Circuit Maryland County

**2.7 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
5TH JUDICIAL CIRCUIT, GRAND CAPE MOUNT COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor Amymusu Jones	CIRCUIT JUDGE	5 TH Judicial Circuit Grand Cape Mount County
2.	His Honor Thomas G. Parry	TRAFFIC JUDGE Robertsport City	5 th Judicial Circuit Grand Cape Mount County
3.	His Honor Lawrence W. Jackson	Robertsport Magisterial Court	5 th Judicial Circuit Grand Cape Mount County
4.	His Honor A. Zuana Kamara	Mano River Magisterial Court	5 th Judicial Circuit Grand Cape Mount County
5.	His Honor Jacob M. Rogers	Tienni Magisterial Court	5 th Judicial Circuit Grand Cape Mount County

2.8 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.

6TH JUDICIAL CIRCUIT, MONTSERRADO COUNTY

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Yussif D. Kaba	CIRCUIT JUDGE, CIVIL LAW COURT "A"	6 th Judicial Circuit Montserrado County

2.9 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES. 7TH JUDICIAL CIRCUIT, GRAND GEDEH COUNTY

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor George Wiles, Jr.	CIRCUIT JUDGE	7 th Judicial Circuit, Grand Gedeh County
2.	His Honor J. Hezekiah Cheyea	Probate Judge Gbarzon	7 th Judicial Circuit, Grand Gedeh County
3.	His Honor George G. Qulah	Traffic Judge Zwedru City	7 th Judicial Circuit Grand Gedeh County
4.	His Honor Walter Y. Dunner	Revenue Judge Zwedru City	7 th Judicial Circuit, Grand Gedeh County
5.	His Honor Paul T. Johnson	Zwedru City Magisterial Court	7 th Judicial Circuit Grand Gedeh County
6.	His Honor Jerry Tiah	Toe Town Magisterial Court	7 th Judicial Circuit, Grand Gedeh County
7.	His Honor Celleh B. Mitchell	Zleh Town Magisterial Court	7 th Judicial Circuit, Grand Gedeh County

**2.10 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
8TH JUDICIAL CIRCUIT, NIMBA COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor John E. Nenwon	Debt Court Judge	8 th Judicial Circuit Nimba County
2.	His Honor Emmanuel Z. Garmie	Sanniqueellie Magistériel Court	8 th Judicial Circuit Nimba County
3.	His Honor Nyan Meator Ben	Gompa City Magisterial Court	8 th Judicial Circuit Nimba County
4.	His Honor Lawrence Yellowwaye	Saclepea/Sac/Slia Magisterial Court	8 th Judicial Circuit Nimba County

**2.11 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
9TH JUDICIAL CIRCUIT, BONG COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor J. Boima Kontoe	CIRCUIT JUDGE	9 th Judicial Circuit Bong County
2.	His Honor Richard Garlowolo	Traffic Court Judge	9 th Judicial Circuit Bong County
3.	His Honor William Capehart	Gbarnga City Magisterial Court	9 th Judicial Circuit Bong County
4.	His Honor Flomo Y. Takerweah	Gballatuah Magisterial Court	9 th Judicial Circuit Bong County
5.	His Honor John B. Sallay, Sr.	Salala City Magisterial Court	9 th Judicial Circuit Bong County
6.	His Honor Joel T. Tarkpah	Bong Mines Magisterial Court	9 th Judicial Circuit Bong County

**2.12 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
10TH JUDICIAL CIRCUIT, LOFA COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor Nancy Finda Sammy	CIRCUIT JUDGE	10 th Judicial Circuit Lofa County
2.	His Honor Giba Abraham Kaba	Voinjama City Magisterial Court	10 th Judicial Circuit Lofa County
3.	His Honor John Y. Forkpa	Zorzor City Magisterial Court	10 th Judicial Circuit Lofa County
4.	His Honor Foday A. Konneh	Foya Magisterial Court	10 th Judicial Circuit Lofa County
5.	His Honor Steven M. Kortu	Revenue Court	10 th Judicial Circuit Lofa County

**2.13 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
11TH JUDICIAL CIRCUIT, BOMI COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	His Honor William B. Sando	CIRCUIT JUDGE	11 th Judicial Circuit Bomi County
2.	His Honor John Z. Kollie	Traffic Court Judge	11 th Judicial Circuit Bomi County
3.	His Honor A. Zinnah Darkoi	Tubmanburg City Magisterial Court	11 th Judicial Circuit Bomi County
4.	His Honor Jacob Fully	Guthrie Magisterial Court	11 th Judicial Circuit Bomi County

**2.14 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
12TH JUDICIAL CIRCUIT, GRAND KRU COUNTY**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor Peter W. Gbeneweleh	CIRCUIT JUDGE	12 th Judicial Circuit Grand Kru County
2.	His Honor D. Sneh Chea	Probate Judge, Buah District	12 th Judicial Circuit Grand Kru County
3.	Hes Honor Alice B. Toe	Probate Judge, Dorbor District	12 th Judicial Circuit Grand Kru County
4.	Her Honor Dominic T. Nyanti	Probate Judge, Forkpoh District	12 th Judicial Circuit Grand Kru County
5.	His Honor Jimmy T. Toe	Traffic Judge	12 th Judicial Circuit Grand Kru County
6.	His Honor Josiah B. Wion	Revenue Judge, Buah District	12 th Judicial Circuit Grand Kru County
7.	His Honor Enoch T. Doe	Revenue Judge, Dorbor District	12 th Judicial Circuit Grand Kru County
8.	His Honor Harrison K. Nyanfore	Revenue Judge, Forkpoh District	12 th Judicial Circuit Grand Kru County
9.	His Honor Joseph C. Wrokpor	Grandcess City Magisterial Court	12 th Judicial Circuit Grand Kru County
10.	His Honor Bropleh Greenfield	Barford City, Magisterial Court	12 th Judicial Circuit Grand Kru County
11.	His Honor Dennis K. Worjloh	Botra/Nifu Magisterial Court	12 th Judicial Circuit Grand Kru County

**2.15 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
13TH JUDICIAL CIRCUIT, MARGIBI COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor Mardea Chenoweth	CIRCUIT JUDGE	13 th Judicial Circuit Margibi County
2.	His Honor Elliot T. Jergboh	Revenue Judge	13 th Judicial Circuit Margibi County
3.	His Honor Lavalah B. Barco	Traffic Judge	13 th Judicial Circuit Margibi County
4.	Her Honor Victoria W. Duncan	Kakata City Magisterial Court	13 th Judicial Circuit Margibi County
5.	His Honor Clarence N. Weah	Bondiway Magisterial Court	13 th Judicial Circuit Margibi County
6.	Her Honor Cecelia G. Rogers	RIA/Marshall Magisterial Court	13 th Judicial Circuit Margibi County

**2.16 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
14TH JUDICIAL CIRCUIT, RIVERCESS COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor S. Geevon Smith	CIRCUIT JUDGE	14 th Judicial Circuit Rivercess County
2.	His Honor Peter D. Massey	Debt Judge,	14 th Judicial Circuit Rivercess County
3.	His Honor Raley Wesseh	Revenue Judge,, Cestos City	14 th Judicial Circuit Rivercess County
4.	His Honor Benjones D. Weagbah	Cestos City Magisterial Court	14 th Judicial Circuit Rivercess County
5.	His Honor Isaac J. Gibson	Traffic Judge	14 th Judicial Circuit Rivercess County

2.17 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.

15TH JUDICIAL CIRCUIT, RIVERGEE COUNTY.

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor George W. Smith	CIRCUIT JUDGE	15 th Judicial Circuit Rivergee County
2.	His Honor Benjamin B. Jlah, Sr.	Debt Court Judge,	15 th Judicial Circuit Rivergee County
3.	His Honor David S. Seateh	Probate Court Judge, Tienpo District	15 th Judicial Circuit Rivergee County
4.	His Honor Solo Teah	Revenue Court Judge	15 th Judicial Circuit Rivergee County
5.	His Honor Sinyeneltu Gea-Weah	Traffic Court Judge,	15 th Judicial Circuit Rivergee County
6.	His Honor Brown Pah	Fishtown City Magisterial Court	15 th Judicial Circuit Rivergee County
7.	His Honor Lawrence T. Tarquoi	Kanweaken Magisterial Court	15 th Judicial Court Rivergee County
8.	His Honor Daniel K. Wesay, Sr.	River Gbeh Magisterial Court	15 th Judicial Circuit Rivergee County

**2.18 CIRCUIT, SPECIALIZED COURT JUDGES & STIPENDIARY MAGISTRATES.
16TH JUDICIAL CIRCUIT, GBARPOLU COUNTY.**

<u>NO.</u>	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>CIRCUIT</u>
1.	Her Honor Archimedes Z. Kizeku	CIRCUIT JUDGE	16 th Judicial Circuit Gbarpolu County
2.	His Augustine S. Togbah	Gbarpolu City Magisterial Court	16 th Judicial Circuit Gbarpolu County
3.	His Honor J. Sam Faikai	Weasuah Magisterial Court	16 th Judicial Circuit Gbarpolu County
4.	His Honor Phillip B. Lawson	Kumgbor Magisterial Court	16 th Judicial Circuit Gbarpolu County

PHOTO GALARY

GROUP PHOTO:



**THE HONORABLE SUPREME COURT:
CHIEF JUSTICE & ASSOCIATE JUSTICES,
CIRCUIT COURT & SPECIALIZED COURT JUDGES
&
STIPENDIARY MAGISTRATES**

Day 1: Thursday, May 18, 2017 – ARRIVALS OF JUDGES' RETREAT PARTICIPANTS

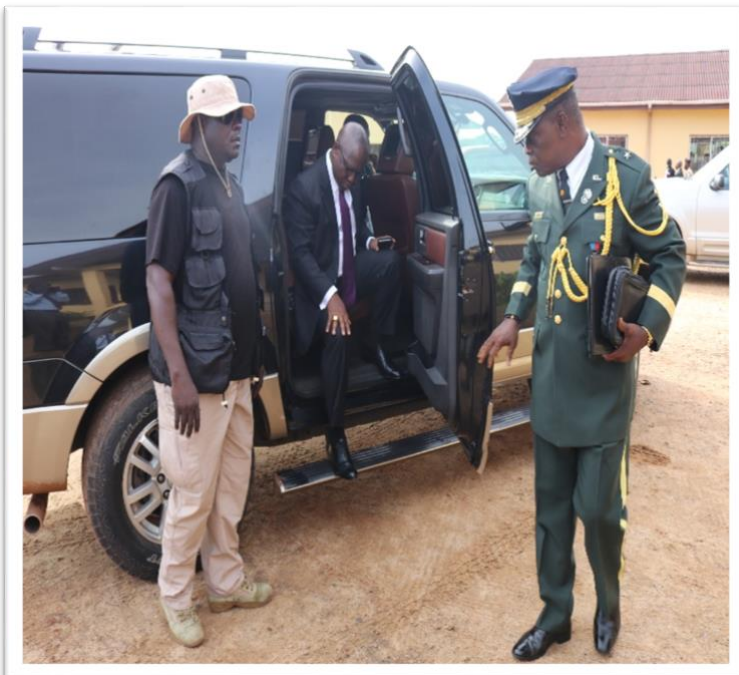
Slide 1:-

Departure of the Honorable Chief Justice, His Honor Francis S. Korkpor Sr., from the Hotel for the Retreat Center.



Slides 2 – 3:-

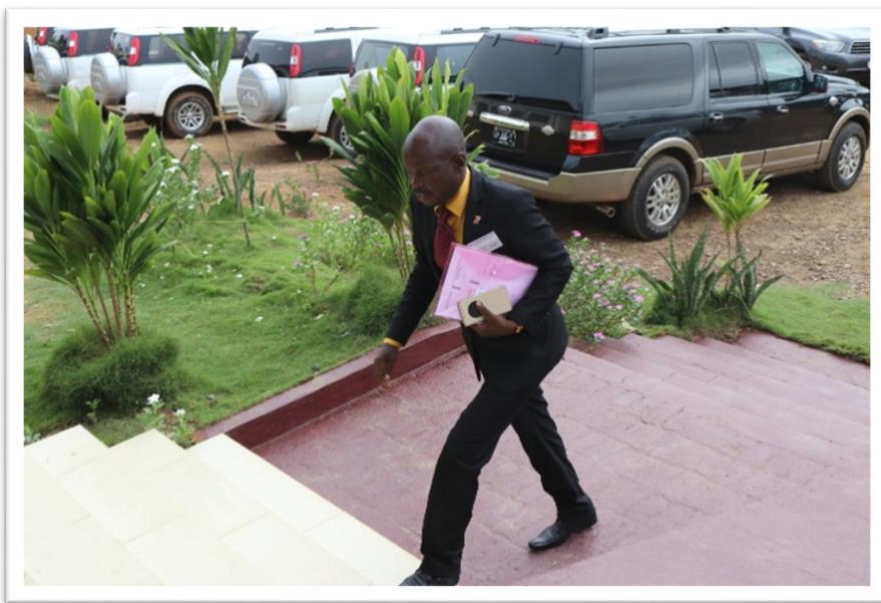
Arrival of the Honorable Chief Justice, His Honor Francis S. Korkpor Sr., at the 9th Judicial Circuit Court, Bong County.



Slides 2 – 3:- Departure of His Honor
JUSTICE Kabineh N. Ja'neh
From the Hotel for the 9th Judicial
Circuit Court, Bong County.



ARRIVAL OF PARTICIPANTS.



REGISTRATION OF PARTICIPANTS.

Slides 1 - 2:

Registration of His Honor,
Francis S. Korkpor, Sr.
CHIEF JUSTICE
Supreme Court of Liberia



Slide 3: Registration of Associate Justices:

At Left: His Honor Kabineh M. Ja'neh
ASSOCIATE JUSTICE
Supreme Court of Liberia

At Right: Her Honor Sie-A- Nyene G. Yuoh
ASSOCIATE JUSTICE
Supreme Court of Liberia

Slides 4 – 6 Registration of Circuit Court Judges; Specialized Court Judges, & Stipendiary Magistrates.



His Honor J. Boima Koto- Resident Circuit Judge, 9th Judicial Circuit, Bong County Signs the Registration sheet under the watchful eye of Mrs. Theresa Passawe, member of the Secretariat.



Mrs. Regina Teah, a member of the Secretariat explains the Registration procedures to Participants:

**1st) Her Honor Amy Musu Jones
Circuit Judge
5th Judicial Circuit
Grand Cape Mount County**

**2nd) Her Honor Muna Sio
Judge, Juvenile Court**

Mrs. Regina Teah, a member of the Secretariat assist a Participant with Registration procedures.



Slides 7 –8 Registration of Circuit, Specialized Court Judges & Stipendiary Magistrates.



POST REGISTRATION PHOTOS

Slide 1: On-going Consultation:

Cllr. Elizabeth J. Nelson
Court Administrator
with Atty. Sandra K. Howard
Chairman/ Coordination Committee



Slides 2 – 3 – Procession into the Retreat Hall of Participants.



Her Honor Judge Mardea Chenoweth
RESIDENT CIRCUIT JUDGE
13TH JUDICIAL CIRCUIT, MARGIBI COUNTY

FOLLOWED BY: Cllr. Elizabeth J. Nelson
COURT ADMINISTRATOR

LEFT –TO –RIGHT:

- 1) **Her Honor Eva Morgan Mappy**
HEAD JUDGE
Commercial Court
- 2) **Her Honor Comfort Natt**
JUDGE, National Labor Court
- 3) **HS HONOR**
Francis S. Korkpor, Sr.
CHIEF JUSTICE
SUPREME COURT OF LIBERIA



OPENING SESSION OF THE FIRST JUDICIAL RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



FULL BENCH OF THE HONORABLE SUPREME COURT OF LIBERIA.

Left –to- Right:

Associate Justice His Honor Phillip A. Z. Banks, III
Associate Justice His Honor Kabineh M. Ja'neh
Chief Justice His Honor Francis S. Korkpor, Sr.
Associate Justice Her Honor Jamesetta H. Wolokolie
Associate Justice Her Honor Sie-A- Nyene G. Yuoh



JUDGES OF THE COMMERCIAL COURT OF LIBERIA

Right-To-Left:

Her Honor Eva Morgan Mappy – CHIEF JUDGE
His Honor Chanchan Paegar – Associate Judge
His Honor Richard Klah – Associate Judge

OPENING SESSION OF THE FIRST JUDICIAL RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



JUDICIAL PARTICIPANTS SEATED FOR THE OPENING SESSION

FRONT ROW /Left-To-Right:

His Honor Roosevelt Z. Willie – Circuit Judge Criminal Court “A”

Her Honor Mardea Chenoweth – Circuit Judge, 13th Judicial Circuit, Margibi County

Her Honor Comfort Natt – Judge, National Labor Court

Her Honor Amymusu Jones - Circuit Judge, 5th Judicial Circuit, Grand Cape Mount County

Her Honor Muna Sio – Judge, Juvenile Court

BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



**OPENING PRAYERS:
Rev. Cisco I. Brown
Chaplain- Supreme Court of Liberia**



INTRODUCTORY

**REMARKS
HIS HONOR Francis S. Korkpor
CHIEF JUSTICE
SUPREME COURT OF LIBERIA**

BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.

REMARKS

**Hon. Selena Polson Mappy
SUPERINTENDENT
BONG COUNTY, R. L.**



**REMARKS: Hon. Frederick L. Cherue
ATTORNEY GENERAL REPUBLIC OF LIBERIA
Minister of Justice**



BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.

REMARKS

**H. E. Waldemar Very
DSRSG
United Nations Mission In Liberia**



REMARKS

**Mr. Thomas Doe Nah
Program Officer
CARTER CENTER**

BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



INTRODUCTION OF AGENDA AND PRESENTERS

**Atty. Daryl Ambrose Nmah
DIRECTOR – Public Information**

**1ST RETREAT PAPER
ELECTIONS DISPUTE RESOLUTION
Hon. Dukuly
COMMISSIONER
NATIONAL ELECTIONS COMMISSION**



BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



CIRCUIT COURT JUDGES:

**SEATED LEFT – TO- RIGHT: His Honor James E. Jones – Debt Court Judge
His Honor James N. Gileyenneh, Relieving Judge, R. L.
His Honor S. Geevon Smith, Circuit Judge, 14th Judicial Circuit, Rivercess County**



JUDICIAL COURT ADMINISTRATION.

**SEATED RIGHT – TO – LEFT: Cllr. Elizabeth J. Nelson – COURT ADMINISTRATOR
Cllr. Ernestine Morgan-Awar – Assistant Court Administrator**

BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



THE FULL BENCH

Her Honor Justice Sie-A-Nyene G. Yuoh

Her Honor Justice Jamesetta H. Wolokolie

His Honor Chief Justice Francis S. Korkpor, Sr.

His Honor Justice Kabineh M. Ja'neh

His Honor Justice Phillip A. Z. Banks, III

2ND RETREAT PAPER

ARBITRATION & INVESTIGATIVE SURVEY

**HER HONOR Jamesetta H. Wolokolie
ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA**



3rd RETREAT PAPER

APPEAL BONDS

**His Honor Phillip A. Z. Banks
ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA**



BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.

4th RETREAT PAPER MOTION FOR NEW TRIAL (IS IT APPEALABLE?)

His Honor Kabineh M. Ja'neh
ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



5th RETREAT PAPER SENTENCING

Her Honor Sie-A-Nyene G. Yuoh
ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



BUSINESS SESSION OF THE RETREAT

DAY ONE (1)- Thursday, May 18, 2017.



**CIRCUIT JUDGES
AND
MAGISTRATES LISTENING
INTENSELY
DURING PRESENTATIONS**



JUSTICES OF THE SUPREME COURT OF LIBERIA

His Honor Associate Justice Kabineh M. Ja'neh, follows up on his presentation as His Honor Francis S. Korkpor, Sr. CHIEF JUSTICE listens keenly,

**WHILST ASSOCIATE JUSTICES:
Her Honor Jamesetta H. Wolokolie and Her Honor Sie-A-Nyene G. Yuoh
both engade in discussions on the matter at hand.**

BUSINESS SESSION OF THE RETREAT

DAY TWO (2)- Friday, May 19, 2017.



**Opening Prayers:
Alhaji Mustapha Mombo
IMAN, OFFICE OF THE CHAPLAIN
SUPREEM COURT OF LIBERIA**

**7th RETREAT PAPER
Challenges in the Effectife
Implementation of the Jury Law**

**His Honor Kabineh M. Ja'neh
ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA**



**Cllr. George Katakpah
NATIONAL JURY MANAGER
Expereince of the Challenges in the Effectife
Implementation of the Jury Law**



2nd -DAY PLENARY SESSION OF THE RETREAT
PHOTOS OF PARTICIPATING CIRCUIT COURT & SPECIALIZED COURT JUDGES
AND STIPENDIARY MAGISTRATES



2nd -DAY PLENARY SESSION OF THE RETREAT
PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES
AND STIPENDIARY MAGISTRATES



2nd -DAY PLENARY SESSION OF THE RETREAT

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



ROUND TABLE DISCUSSION SESSION OF DAY - 2

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



SATURDAY, 20TH MAY, 2017 ROUND TABLE DISCUSSION CONTINUES

**PHOTOS OF PARTICIPATING SUPREME COURT JUSTICES
CIRCUIT & SPECIALIZED COURT JUDGES AND
STIPENDIARY MAGISTRATES**



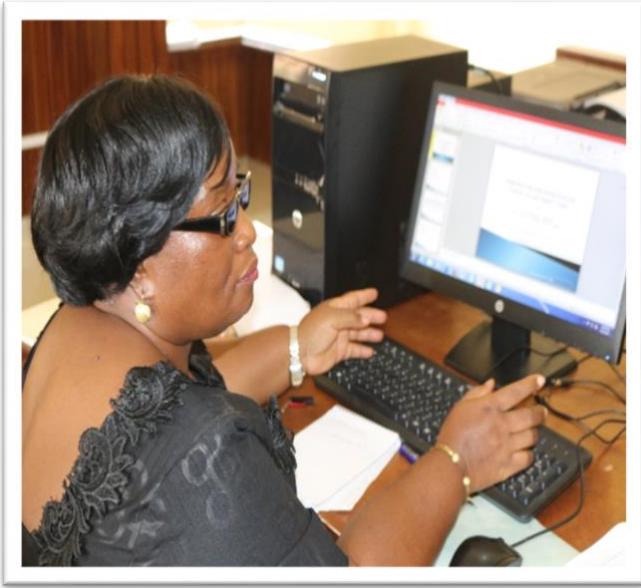
THE JUDICIAL COURT ADMINISTRATION



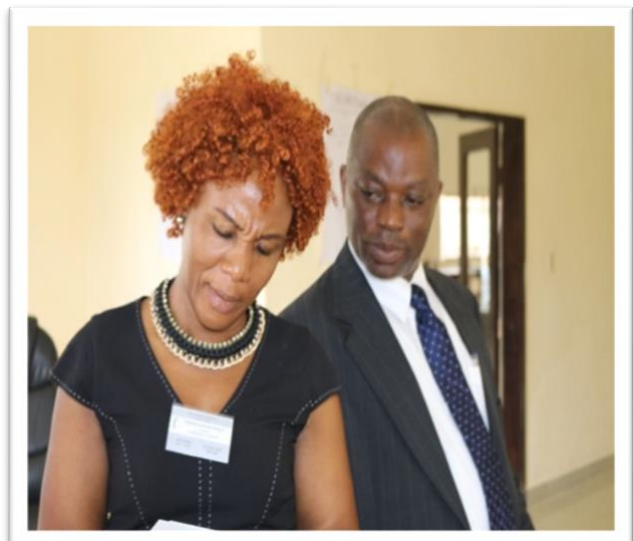
Cllr. Elizabeth J. Nelson
COURT ADMINISTRATOR
At far right, flanked at far left by

Cllr. Ernestine Morgan-Awar
**ASSISTANT COURT
ADMINISTRATOR**

SECRETARIAT & RETREAT COMMITTEE IN ACTION



ORGANIZING FOR RECORDING THE RETREAT ACTIVITIES



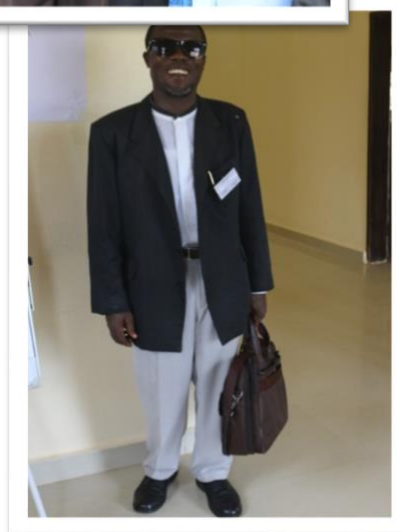
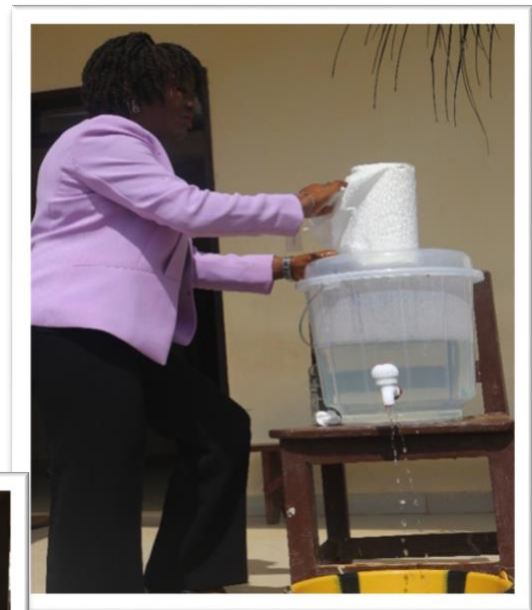
WINDING DOWN OF RETREAT ACTIVITIES



WINDING DOWN OF RETREAT ACTIVITIES



WINDING DOWN OF RETREAT ACTIVITIES



CLOSING PHOTOGRAPHS



JUDICIAL FAMILY PHOTOGRAPHS AT END OF JUDGES' RETREAT



JUDICIAL FAMILY PHOTOGRAPHS AT END OF JUDGES' RETREAT



**THE CHIEF JUSTICE & ASSOCIATE JUSTICES OF THE SUPREME COURT
IN A FAMILY PORTRAIT WITH
ATTENDING CIRCUIT JUDGES, SPECIALIZED COURT JUDGES
&
STIPENDIARY MAGISTRATES**

