

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
MARCH 2022 TERM
MARCH 14, 2022

Madam Vice President;

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Liberian Senate;

My Colleagues of the Supreme Court;

Former Chief Justices & Associate Justices of the Supreme Court;

The Resident Coordinator & Staff of the United Nations in Liberia;

The Doyen & Members of the Diplomatic Corps;

The Minister of Justice & Dean of the Supreme Court Bar;

Circuit and Specialized Courts Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Association of Female Lawyers of Liberia;

The President & Members of the Association of Public Defenders;

The Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

Today is March 14, the second Monday in March 2022. Section 2.5 of the *Judiciary Law* sets the second Mondays in October and March of each year as the days the Supreme Court shall open for the conduct of business. It is in fulfillment of this law that we are assembled in this sacred Chamber this morning, once again, to open this Court in its March 2022 Term. On behalf of my Colleagues of the Supreme Court Bench and the entire Judiciary, I welcome all of you.

In the midst of the worldwide Corona Virus pandemic, we remain grateful to God Almighty for His saving grace. We pray for His continuous guidance and protection as a nation and as a people; we pray that He continues to endow us with wisdom and fortitude in the adjudication of cases; and we pray for peace in the world.

We open Court today with a quorum of four Justices. Mr. Justice Joseph N. Nagbe is ill and is currently seeking medical care in the Republic of Ghana. We pray that he gets well to join us soon.

During the period in review, we lost many of our compatriots. We lost Dr. Amos C. Sawyer. Dr. Sawyer served as Head of the Interim Government of National Unity (IGNU) of Liberia from 1990 to 1994 during the period of the Liberian civil war. He was very instrumental in efforts that returned peace to our nation. He was an astute statesman and politician, but perhaps he will be best remembered in the academic arena.

During the same period, nine judicial workers also succumbed to death. They are:

No.	Name	Position	Assignment	Date of Death
1.	His Honor Augustine K. Klah, Sr.	Associate Mag.	Grand Kru County	March 2, 2022
2.	Col. Paul D. Tuazama	Director JSS	Montserrado County	Feb. 6, 2022
3.	His Honor Archie B. Freeman	Associate Mag.	Cape Mount County	Feb. 14, 2022
4.	His Honor John Kaye	Associate Mag.	Nimba County	Feb. 11, 2022
5.	Atty. Alphonso B. C. Bah	Public Defender	Grand Kru County	Feb. 18, 2022
6.	Eric P. Suah	Mag. Clerk	Nimba County	Oct. 21, 2021
7.	Amos N. Gbahn	Mag. Clerk	Nimba County	Nov. 18, 2021
8.	Alfred Momo	Bailiff	Montserrado County	Feb. 28, 2022
9.	Efua Cooper	Caretaker	Montserrado County	Jan. 9, 2022

On behalf of the Judiciary, I extend profound condolences to the families and relatives of these committed and dedicated Liberians and pray that their souls will rest in eternal peace. May we rise for a moment of silence in their memories. Thank you.

Following confirmation by the Liberian Senate, two Counsellors were appointed as Specialized Court judges by President George Manneh Weah. Counsellor Cornelius F. Wennah was appointed Judge of Criminal Court “E,” 9th Judicial Circuit, Bong County, replacing the late His Honor George C. Katakpah, while Counsellor Tweh Wesseh, Sr. Stipendiary Magistrate, was appointed Debt Court Judge, 12th Judicial Circuit, Grand Kru

County, replacing the late His Honor Patrick Wisseh who occupied the post. We welcome them into the Judiciary.

We congratulate Her Honor Nancy Finda Sammy, President of the National Association of Trial Judges of Liberia (NATJL) and other Officers on their election to steer the affairs of the NATJL.

We also congratulate Counsellor Sylvester D. Rennie, President and other Officers of the Liberian National Bar Association (LNBA) on their election to the leadership of the LNBA. We pledge the Supreme Court's continuous support to the new leadership of the Bar.

In similar manner, we congratulate Attorney Philomena T. Williams and other Officers of the Association of Female Lawyers of Liberia (AFELL) on their election to the leadership of AFELL and also pledge the full support of the Supreme Court to the Association.

During the October Term we assigned for hearing, the petitions of 124 attorneys who had applied to be admitted as counsellors of the Supreme Court Bar. Hearing was conducted in open court with the full participation of the members of the Supreme Court Bar as in keeping with the practice and procedure. At the end of the exercise, the names of 118 attorneys were passed upon, to be tested by the two standing committees - the Bar Examination Committee and the Moral and Ethics Committee. However, this Court granted dispensation to nine (9) attorneys from sitting the written examinations, but they were required to appear before the Moral and Ethics Committee for interview; these included the names of three candidates who had previously sat and passed the written exams but failed the ethics interview. The names of 109 attorneys were then forwarded to sit both the written and moral and ethics examinations.

From the combined report submitted to us by the Bar Examination and the Moral and Ethics Committees, the Committees recommended for admission to the Supreme Court Bar the names of 96 attorneys. This Court endorsed the recommendation of the Committees. Accordingly, the petitions of the 96 Attorneys were granted and they were admitted into the Supreme Court Bar as Counsellors-At-Law with all rights and privileges appertaining thereto. The detail of the Committees' report is contained in the case: *In Re:*

The Petition of Jewel Howard Taylor, Lawrence K. Bropleh et al., Attorneys-At-Law Praying for Admission to the Honorable Supreme Court Bar as Counsellors, [Supreme Court Opinion, October Term, 2021]

We are pleased to note that amongst those admitted as Counsellors is Her Excellency Jewel Howard Taylor, Vice President of the Republic of Liberia. There is no doubt that the knowledge she has acquired as a lawyer will help to enhance the quality of her service as the Vice President of our country. We congratulate her on this milestone achievement. And we congratulate all the other newly admitted Counsellors to the Supreme Court Bar. As you embark on the practice of law before this Court of last resort, we admonish you to always be mindful of the oath you took – to demean yourselves as respectable and honorable citizens, support and uphold the Constitution and statutory laws of Liberia and rules of all courts, do nothing to undermine the dignity, authority and integrity of the courts, preserve inviolate the secrets of your clients, abstain from offensive personalities and avoid connection and association with shady, dishonest or dishonorable transactions, amongst others. I ask you to join us as partners in the fair dispensation of justice.

My Colleagues, Members of the Bar, distinguished ladies and gentlemen, I am pleased to report that even though there are many challenges that continue to slow down and hamper progress, our Judicial system is fully functioning. We continue to work with friendly governments and international organizations involved in rule of law programs in seeking ways to improve conditions in the Judiciary. The primary duty we have as judges is to hear and decide cases. In this regards Circuit Court Judges throughout the country receive regular assignments, execute the mandate contained in the assignments and make returns. Specialized Court and Magistrate Courts are also performing similar duties. At all times, we require and underscore the need for fair and impartial decisions. This is because courts of justice, by the decisions they make promote peace and stabilize the society. Without this the resultant effect would be total breakdown of law and order and chaos.

At the level of the Supreme Court, we continue to make difficult, contentious and high-profile decisions from time to time. We are quite aware of the enormity and profound

effects of our decisions as the Court of last resort from whence there is no appeal. We do not seek approval, good name nor popularity from any quarter. We rely solely on the application of the law, the Constitution being our primary authority by which we measure the behavior of citizens, foreign nationals within our borders, as well as the conduct of Government and its functionaries . It is said that the Supreme Court is “the living voice of the Constitution,” the sacred instrument to which the people look for protection. And Chief Justice Dossen once said:

“Not only is the Supreme Court the sole exponent of those basic principles upon which the whole fabric of our democratic institutions rests, but it is also the highest guardian and protector of the rights, liberties and prerogatives guaranteed by the organic compact. It is the sole interpreter of international treaties which govern our intercourse with other nations as well as of the statutes which define and regulate our relation to each other and to society. It is the final arbiter of all judicial controversies, and by its judicial opinions and decisions-unreviewable and irrevocable may set aside the enactments of the Legislature or give to them such independent interpretation as may construct their ordinary meaning and force.”

I am delighted that over the years, my Colleagues and I have focused on our primary duty of hearing and deciding cases in a fair and impartial manner, notwithstanding the many bias and unfair criticisms of our opinions, especially where politicians or political parties are involved in a given case.

Distinguished ladies and gentlemen, this is my last Opening Address as Chief Justice of the Supreme Court of Liberia. Article 72(b) of the Constitution of Liberia provides that “the Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of records shall be retired at the age of seventy...” On September 5, this year, I shall have attained the age of seventy. This means that at the next opening ceremony of this Court on the second Monday in October this year, we may have a new Chief Justice, or the Senior Associate Justice, in keeping with the practice and procedure, shall be conducting the affairs of the Supreme Court and the Judiciary pending the appointment of a Chief Justice by the President of Liberia. Let me therefore seize this opportunity to say a few words reflecting on my sojourn at this seat of high honor, touching on some of the

reform programs that my Colleagues and I, together, have undertaken to improve condition in the Judiciary.

It was after many years of private law practice, serving mainly as lawyer for the Catholic Church and its affiliate institutions, and human rights advocacy with the Catholic Justice and Peace Commission that I was first appointed to the Supreme Court Bench in 2004. This was during the National Transitional Government of Liberia (NTGL) headed by His Excellency the late Charles Gyude Bryant. The recommendation for me to serve on the Court was made by some members of the Liberian National Bar Association. The members of the Supreme Court at the time were Chief Justice Henry Reed Cooper, and Associate Justices Francis S. Korkpor, Sr., John L. Greaves, Ishmael P. Campbell and Felicia V. Coleman. Two members of that Bench, Mr. Justice Campbell and Mr. Justice Greaves, have since departed this world to the great beyond.

The tenure of the Supreme Court as set by the Accra Peace Accord (CPA) was two years. Thus, after two years of service, all five Justices of the Court resigned to give way to the new democratically elected government headed by President Ellen Johnson Sirleaf to appoint Justices of the Court under a constitutional government. I was the only Justice who was retained and reappointed to the Supreme Court by President Sirleaf. President Sirleaf said to me that her decision to appoint me was for continuity of the programs and activities of the Court and also based on certain criteria which she considered essential of a Justice, key amongst which are knowledge of the law, integrity and human rights records, amongst others. Others appointed to the Supreme Court by President Sirleaf were Chief Justice Johnnie N. Lewis and Associate Justices J. Emmanuel Wureh, Gladys K. Johnson and Kabineh M. Ja'neh. Mr. Justice Emmanuel Wureh passed after a brief but distinguished service on the Lewis' Bench.

When the late Chief Justice Lewis resigned in September 2012 due to illness, President Sirleaf appointed me as Chief Justice. And the people of this country overwhelmingly endorsed my appointment. I cannot recall that there was a single person or institution in this country that raised issue with my nominations, twice as an Associate Justice and then

as Chief Justice. I should note that I have no connection that prompted or influenced my appointments to this Court.; my preferments were purely based on whatever good those who appointed me saw in me. So, having been blessed with national leadership, I promised that I would not betray the confidence of the Liberian people who bestowed the honor on me. I believe I have kept that promise. I have endeavored to live the life of a high court judge. Today, I am the same person who was endorsed by the people of Liberia yesterday. I have not allowed the title or nomenclature "Chief Justice" to becloud my head or for any outside influence to direct my course of action as a justice of this Court, I have remained calm and quiet but resolute in doing my job, even in the face extreme provocations.

Serving at various times on the Supreme Court Bench and at the helm of the Judiciary, my Colleagues and I have worked assiduously to improve conditions in the Judiciary. The Henry Reed Cooper Bench was ushered in after the devastating civil war that ravaged this nation and its institutions, including the Judiciary. Therefore, the core concern of that Bench was rehabilitating and repairing court structures. In this regards, the Supreme Court worked closely with the United Nations Mission in Liberia (UNMIL). In addition to support received from the Liberian Government, the Quick Impact Program of UNMIL was instrumental in repairing and/or constructing court facilities throughout the country, with emphasis on magistrate courts. The Cooper Bench is also credited with laying the basis for realistic salary structure for judicial workers, especially Circuit and Specialized Court Judges.

Under the Johnnie Lewis Bench more reform programs were envisioned and some were implemented. Two Judicial Complexes were built in Sinoe and Gbapolu Counties. On the grounds of the Temple of Justice, four new court houses were constructed which now house Criminal Court "C", Criminal Court "D" and the Civil Law Court and the proposed Second Division of the Civil Law Court. The James A.A. Pierre Judicial Institute was established to train support - staff and give refresher courses to judges and magistrates;

the Institute also took on the task of recruiting and training “professional magistrates.” The Public Defense Program was also established.

Because I served as Senior Associate Justice on the two previous Supreme Court Benches mentioned above, I was a part of the decision on all reform initiatives as well as the implementation thereof. Thus, when I took on the mantle of leadership as Chief Justice, we continued with the reform programs and projects started by the former Chief Justices and embarked on many new ones. Let me mention a few.

1. We have constructed additional Judicial Complexes in Barclayville, Grand Kru County; Zwedru, Grand Gedeh County; Sanniquellie, Nimba County; and Tubmanburg, Bomi County which are in full use today. Currently, Judicial Complexes are being constructed in Fishtown, River Gee County and Cestos City, Rivercess County. A judicial complex is a structure consisting of several court facilities such as – the circuit court, debt court, labor court, tax court revenue court, traffic court and magistrate court, etc. A judicial complex also has offices for the county attorney, public defender and probation and parole officers. The availability of many courts and offices of judicial actors in one central location promotes easy access to justice.

2. We have also built and continue to build many magistrate courts throughout the country either with direct funding from the Government of Liberia or development partners.

3. The Office of the Court Administrator has been improved and invigorated; three new Sections, the Inspectorate Section, the Public Affairs Section and the Project Section have been created for efficiency and productivity.

4. We have successfully conducted three Cycles of the Professional Magistrate Training Programs. The objective of the program is to train and deploy the total of three hundred (300) college graduates as associate magistrates. The program has proved to be highly successful in enhancing the knowledge of the law and performance of associate magistrates who man our courts of first instance.

5. We established the Magistrate Sitting Program at the Monrovia Central Prison, (MPC), aimed at curbing or minimizing prolonged detention without trial. The program is yielding fruitful results; we are seeking funding to replicate it in other parts of the country.
6. We have established Criminal Court “Es” in Bong and Nimba Counties to handle sexual gender-based violence cases.
7. In order to engender public confidence in the Judicial Inquiry Commission (JIC), and the Grievance and Ethic Committee (GEC), the two organs working under the aegis of the Supreme Court to curb ethical misconducts in the Judiciary, we expanded the composition of the two bodies. And we continue to take stern actions against Judges and Lawyers who are guilty of corruption or professional misconduct.
8. We have established a National Jury Office at the Temple of Justice with sub-offices in parts of the country; we are working to establish other sub-offices in the entire country in accordance with the New Jury Law.
9. Over the years, we have steadily provided increment in the salaries and remunerations of judges and judicial workers. While the take home pay of judges and judicial workers are yet not at a level satisfactory, especially given the application of what is known as “harmonization” policy, we can say with pride that there has been some marked improvement. This is making the Judiciary an attractive place to work.
10. At long last, we now have the pension law working for retired Justices and Judges. All Justices and Judges who have honorably retired are today receiving pension benefits through the Judiciary without hindrance.

Distinguished ladies and gentlemen, these are just few of the reform programs and projects we have undertaken since my incumbency as Chief Justice. Detailed accounts are available in the report compiled by the Office of the Court Administrator. The implementation of these programs and projects would not have been possible without the support of a number of persons and institutions. To them we are very grateful. In this regard, I thank the former President of Liberia, Mrs. Ellen Johnson Sirleaf for her show of

confidence in me, especially for appointing me as Chief Justice. This is the highest honor one can receive in the legal profession. I further thank her for providing support to the Judiciary during her administration.

I also thank President George Manneh Weah for his administration's support to the Judiciary.

I thank my Colleagues for their immense support. In fact, we are in this together. They have been full-fledged parts of whatever has been accomplished.

And I thank all friendly governments and international donor agencies for their support.

You might be wondering why I am thanking people and institutions for their support in collaborating with us as if I am leaving now. No, I am not leaving now; I still have more than five months to be here. But I take the liberty to give due recognition at this time because, as I said, this is my last Opening Address. In keeping with precedence, matters of this nature are subject of the Opening Address of the Chief Justice at the program where stakeholders, including bilateral and multilateral partners are in attendance. To my mind, no other time is more appropriate than now.

Let me now conclude this Opening Address by calling on all lawyers whose clients have cases before this Court to make early requests for the assignment of their cases.

May God bless this Court and may He continue to save the State.

I THANK YOU.