

OPENING ADDRESS OF HER HONOR SIE-A-NYENE G. YUOH.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
OCTOBER TERM 2022
OCTOBER 10, 2022

Mr. President;

Madam Vice President;

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Senate;

My Colleagues of the Supreme Court Bench;

The Immediate Past Chief Justice,

Former Chief Justices & Associate Justices of the Supreme Court;

The Minister of Justice & Attorney General, R.L

& Dean of the Supreme Court Bar;

The Doyen & Members of the Diplomatic Corps;

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

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 National Association of Public Defenders;

Madam Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

We give thanks to God for His bountiful mercy bestowed upon each of us who are gathered in these hallow walls to conduct the Official Opening Ceremony of the October Term, A.D. 2022 of the Supreme Court, Republic of Liberia. It is only by His mercy and grace we are fortunate to experience the rising sun and the cool evening breeze that comes after each sunset.

In counting this magnificent blessing of life, let us not forget those that are now of sainted memories to include, but not limited to, members of the Judiciary we lost during the 2022 March Term of Court in persons of Associate Magistrate Moses T. Dahnweith, Bailiff Nimely Brown and Former Associate Justice, Counsellor M. Fulton W. Yancy Jr., The Supreme Court, on behalf of the Judiciary, extends profound condolences to the bereaved families of these judicial workers and all families who are grief stricken.

I also seize this moment and honor the sacred memory of my father, A. Kley Yuoh; a father of 32 children; a devout Christian, and a strong but loving disciplinarian, who invested in the education and welfare of his children, one of whom you see here today. It is well known that he fostered many other children regardless of their age, sex or ethnic background. He never spared the rod in making sure our feet remained firmly planted on the right path. And, I am grateful that my father loved us and at the same time disciplined us.

Further, I honor the memories of my two mothers, Maromini Worbor Kollie and Agnes Wede Yancy who jointly groomed me in the art of submissiveness, and humility, while at the same time uncompromising in maintaining my dignity and self-respect. It is my prayer that God will grant them and all the faithful departed being remembered here today, eternal rest and that light perpetual shine upon them. I therefore ask that we rise and observe a minute of silence to their sainted memories.

My colleagues and I are pleased to welcome Your Excellency Dr. George Manneh Weah, the Vice President, the Speaker and the Senate Pro Tempore and Members

of the 54th Legislature, other distinguished guests and my family, to this historic event which is mandated by the New Judiciary Law Rev Code 17:2.5 which states: “the Supreme Court shall hold two terms annually, commencing on the second Monday of October and on the Second Monday of March.”

The Supreme Court and the entire Judiciary Branch of Government particularly welcome our immediate past Chief Justice, Francis S. Korkpor Sr., who honorably retired from the Supreme Court Bench on September 27, 2022. Our deliberation room will miss Chief Justice Korkpor for his leadership, problem-solving skills, and strong legal analysis contributed to the Opinions of this Court and many administrative matters of the entire Judiciary. On behalf of the Supreme Court and the entire Judiciary family we once again thank you for a charge well kept.

The Supreme Court will be remiss if we fail to acknowledge our international partners, friendly Government through their emissaries who are present here with us. We appreciate your unwavering stand with us in promoting the rule of law and access to justice in Liberia. Your commitment is well commendable and we assure you that this Bench is ready and willing to continue to work with you in this regard.

We welcome Counsellors Necular Edwards and U-Jay W.H.S. Bright into the Judiciary Family. Counsellor Edwards is the Judge of the Monthly and Probate Court for Montserrado County, while Counsellor Bright is the Judge of the Tax Court, Montserrado County. We are optimistic that their experiences and skills will enhance the functions of their respective courts and the National Association of Trial Judges of Liberia.

The Opening of this October Term of Court, A. D. 2022, is iconic because this is the third time the Supreme Court will have a woman serving as Chief Justice within 175 years of independence. History will attest that since the establishment of the Supreme Court in 1847, the Bench has been graced by Ninety One (91) Justices and of this number, only seven (7) women have been appointed and commissioned to serve as Associate Justices of the Supreme Court of Liberia. It is worth noting further, that out of the seven, only three (3) have been elevated to the pinnacle of the Supreme Court to serve as Chief Justices. The previous two Chief Justices in order of their appointments are Cllr. Frances Johnson-Morris (now Allison) (April-September, 1997) and Cllr. Gloria M. Musu Scott (September 1997-2003). The remaining four Associate Justices who also graced the Bench with unparalleled qualifications, yet maintaining their femininity, beauty and skills are Angie-Brooks Randolph, the 1st female Associate Justice, Felecia V. Coleman, Gladys Johnson and Jamesetta Howard-Wolokollie. To these outstanding ladies, I say well done!

The above data prove that our legal profession is still male dominated, and I encourage our female lawyers to put aside timidity and embrace confidence; strive for excellence and be assertive. The foundation of these attributes should be a solid education and knowledge of the law in order to strike a balance or at best, surpass our male counter-parts to the extent where all the five Justices will be females and that majority of the Counsellors attending the Supreme Court's Opening will be female lawyers. Like Justice Ruth Bader Ginsburg of the United States Supreme Court, I do agree and believe that if the Supreme Court can have five male Justices for several decades in the past then, it's fair enough to have five female justices going forward. (smile/humor)

In light of this, I am deeply humbled for my nomination, confirmation, appointment, and commission as the third female Chief Justice of the Republic of Liberia. Additionally, I am elated by the fact that my appointment as Chief Justice is similar to the late Chief Justice James A.A. Pierre who having served for almost nine years as an Associate Justice (like me) was appointed to the Office of Chief Justice by President William V.S. Tubman. Therefore, permit me to utilize the words of Mr. Chief Justice James A.A. Pierre which aptly describe my own gratitude to you, Mr. President:

“... I feel highly honored today when by this appointment you have placed in my hands the custody of the Constitution; to protect it and to guard it jealously as the principal working tool of this new office. That great document must hereafter be the yardstick by which to measure the issues of great moment, and the burning contentions which litigants will bring for final adjudication. The confidence you have in me must be remarkable and I shall endeavor not to abuse it. After having served previously as Associate Justice for almost nine years, I am well aware of the great responsibilities and the heavy burdens the Chief Justice is expected to carry in this developing era of our country’s existence. I know the duties of this office call for a peculiar and an emphasized loyalty of the highest grade; loyalty to constituted authority, which is a judge’s first obligation...I know that it is also his duty to be blind to personalities and true to his conscience, in so far as that conscience dictates the rights and wrongs in litigation. I assure you, Mr. President that with God’s help I shall endeavor to live up to these requirements.” **Chief Justice James A.A. Pierre Response to His Qualification, April 22, 1971, 20 LLR 734 (1971).**

I am cognizant that my gender does not diminish the duties ascribed to the Office of Chief Justice, Republic of Liberia or the expectations of judges, lawyers, party litigants, judicial personnel and other persons interacting with the Judiciary. To the

contrary, I am fully aware that with the recent change in the administration of the Supreme Court (from the Korkpor's Bench to the Yuoh's Bench), there are diverse expectations from all sectors of our society, including the international community, and even within the Judiciary. This means that all are interested in knowing the plans of the third female Chief Justice.

I am positive that even as I am speaking at this very moment, some lawyers are hoping to be appointed as Relieving Judges; current judges are watching to see if this Bench will increase their salaries and benefits; employees of the Judiciary are also hoping for a raise in their salaries or to be reassigned to lucrative administrative posts; all party litigants are hoping that their cases will be decided in their favor as nobody wants to lose a case, even if their claim is unmeritorious or lack the evidence required by law. while the Fourth Estate is waiting to report a bombshell. Believe me when I say that I understand these expectations, all too well.

I am however, particularly concerned about the grievances of the National Association of Trial Judges of Liberia in terms of salaries, allowances and benefits; I am conversant with Article 72(a) of the Constitution which clearly mandates that "...allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowances and benefits be subject to taxation." I am also cognizant of the Judicial Financial Autonomy Act (2006), and the need to ensure strict compliance with these laws, and the debate surrounding the harmonization of the salaries of justices/judges. I am mindful of the urgency to establish guidelines for our ethical investigating

bodies, the Judicial Inquiry Commission and the Grievance and Ethics Committee; and the need to revisit the Rules of Courts.

Like every lawyer, judge or justice, I am fully conscious of the challenges facing the Judiciary and have felt and know the pinch of the diverse issues affecting this Branch of Government. Hence, on September 29, 2022, when I took the solemn oath during my commissioning me as Chief Justice, I was challenged to uphold the solemn Constitutional duties and responsibilities associated with the Office of Chief Justice; and I am optimistic each member of the National Association of Trial Judges of Liberia shared this same experience when they were being commissioned. They were cognizant of the existing challenges facing the Judiciary, and willingly sign up for and accepted these challenges by their solemn Oath. Notwithstanding, each and every one of us, be it a Justice of the Supreme Court, or judge of Circuit/Specialized Courts, or Magistrates, swore by holy writ, to administer justice and dispose of cases without delays or for favor. At all times we are called on to keep in mind the wisdom described by Chief Justice A. Dash Wilson Sr. in his Opening Address delivered at the March Term A.D. 1968 where he admonished judges by stating that: “the position of a judge is a sacrificial one, dominated only by the observance of his sacred oath of office, patriotic loyalty to the administration in power and a conscience that guides him continuously against injudicious speculations and gamble.” Chief Justice A. Dash Wilson Sr., Opening Address, March Term A.D. 1968 19LLR 517 (1968).

Twenty Nine (29) years after these words of Chief Justice A. Dash Wilson, Chief Justice Gloria M. Musu Scott, the second female Chief Justice, buttressed his words by stating that “...Justices/Judges are the main components of a properly functioning Judiciary and that a good judge will demonstrate: (i) intellectual

ability, that is, the judge's capacity to read a statute or opinion with understanding, and apply principles of law accurately to the facts; and (ii) the judge's integrity, that is, character such that a judge's decision is his own and not response to a bribe or to pressure from a political organization" Chief Justice Gloria Musu Scott Opening Address, October Term A.D. 1997 38LLR 687 (1997)

Let me be candid and submit here that while I hold the view that the lack of adequate support to the Judiciary is erosion to the rule of law, peace and security of the Republic, notwithstanding, these challenges should never deter us from the core duties that we, as judicial officers, have sworn to perform. Hence, in this regard, my Colleagues on the Bench, with whom I have worked over time, have agreed in principle to foster an unprecedented consensus in tackling these challenges; we have agreed to build a strong coordination between the Supreme Court and the other two Branches of Government; we have agreed to maintain a vibrant network between the Bench and the Liberian National Bar Association; and we are resolved to implement judicial policies that will make the workings of our courts more efficient, visible, and appreciated by our citizens and residents. Paramount to all this, is our resolve to not only hear numerous cases, but to concurrently render opinions thereon timely and expeditiously. As we set this premise, we expect that the trial judges will naturally follow our example.

My colleagues and I are in full agreement that all of these concerted efforts mentioned herein will fan the fires of hope in our people. We are mindful that this Supreme Court is the last place of hope; and as such we are resolved to reposition our courts to a judicial stature that will not only be highly respected but revered by all despite the changes of our modern society.

We will work with the Liberian National Bar Association and the Fourth Estate to develop judicial policies that will adequately explain, ‘in layman terms,’ the functions of our courts in the justice system in order to remove the clouds of misconceptions, false innuendos, and vicious criticisms that are tainting the image of the Judiciary. I am even open to constructive criticisms. Like Justice Sandra Day O’Connor, the 1st female Associate Justice of the Supreme Court of the United States, I strongly believe that “our liberty has no refuge in a jurisprudence of doubt and that the freedom to criticize judges and other public officials is necessary to a vibrant democracy.”

To achieve this we are determined to administer justice without fear or favor pursuant to Article 11(b)(c) of the Constitution which states “all persons, irrespective of ethnic background, race, sex, creed, place of origin, or political opinion, are equal before the law and therefore entitled to the equal protection of the law.” It should be noted that this ideal of equal rights is so sacrosanct to the Judiciary that they are embellished on the walls of the Temple of Justice in the following words:

“Let Justice Be Done To All”.

This is the creed of all the courts of this Republic, including the Supreme Court. From the administration of Chief Justice Samuel Benedict in 1848 to the administration of Chief Justice Francis S. Korkpor Sr., every administration of the Judiciary, including this Yuoh’s Bench has labored and will continue to uphold this creed. In the case, *East African Company v. Dunbar* 1LLR 279, 280 (1895) the Supreme Court articulated this creed by holding thus:

“the law makes no distinction between men when before it; the high and low here are both on an equal level. The law, while just, has no

sympathy; it neither makes men rich nor poor; hence the claim to be rich can have no influence with it; and to plead poverty can awaken no sympathy.”

Mr. Chief Justice Dossin in delivering the Opinion of the Supreme Court in the case *In Re: The Constitutionality of the Act of 1914*, 2LLR 157, 163 (1914), opined “...all civilized nations jealously guard the independence of their judiciary. The courts stand between order and anarchy, facing the latter with a stern repressive frown, and extending aid and encouragement to the former...Justices/judges have to walk between the Government and the man that the Government is prosecuting—between the most powerful individual and poorest and most unpopular without taking sides...”

My Colleagues and I, by the help of Almighty God, will strive to be like Lord Mansfield, Chief Justice of England, who, knelt before the throne of the King when taking oath as to his allegiance to the King, but when taking his oath as to the administration of the law, rose from his knees and stood up erect before the King to demonstrate that he owes no allegiance to the monarch or anyone except his God, the written law, and his conscience. *Id.* 164.

Let me reiterate our abiding conviction to uphold the constitutional principles of due process guaranteed to all citizens and residents alike, and our resolve to discourage the filibustering by lawyers and clients, determined to procrastinate cases in our courts through unnecessary legal technicalities just to frustrate the ends of justice.

I herewith urge judges and magistrates to attach more solemnity to the Judicial Canons, particularly Judicial Canon Five which states that “the court is the last

place of hope for man on earth...”. When party litigants appear before your respective courts, they bear the anticipation, and rightfully so, that their rights will be fairly and speedily adjudicated, and that justice will prevail irrespective of the parties involved. In fact, the pursuit of justice is the very essence for the establishment of this building and its premises, named and styled the “Temple of Justice”, which is the umbrella of all courts in our jurisdiction.

At the dedication ceremony of the Temple of Justice Building on January 7, 1965, the then Attorney General, James A.A. Pierre, stated in his Address:

“In this building, now completed and being dedicated on this hallow spot, will be fought some of the greatest battles men have ever waged – battles in which the stakes will be right and wrong, honor and shame, life and death. Here has been erected a forum approachable by all for the redress of grievances. Here the color of the skin, or texture of the hair, or religious or political affiliation will find no place for special consideration. Here every litigant will be heard on the basis of the merits or demerits of his case and will be treated only as a party, be he alien or citizen, rich or poor, high or low, friend or foe.” Address of Attorney General James A.A. Pierre, Delivered on The Occasion of the Dedication of the Temple of Justice, January 7, 1965.

Finally, let me close this Address by stating that I am confident that this Bench will be steadfast in upholding the values and purposes for which the courts of this Republic were created. Let me reiterate that we will work with the Liberian National Bar Association and the National Association of Trial Judges of Liberia

to review and conclude on the draft rules for our ethical investigating bodies in order to eliminate unethical law practitioners in a swift and decisive manner rather than giving warnings in our Opinions.

And now, by the power vested in me as Chief Justice, Supreme Court of Liberia, I announce the October 2022 Term of this Court duly opened for business. May God bless the Supreme Court and save the State.