

OPENING ADDRESS OF HER HONOR SIE-A-NYENE G. YUOH.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
OCTOBER TERM, A.D. 2023
OCTOBER 9, 2023

Colleagues of the Bench

The Dean, and Gentlemen/Women of the Supreme Court Bar

Fellow Citizens

Distinguished Guests, Ladies and Gentlemen:

We will always give thanks to God, for He is good and His mercy endures forever. A testimony of this is our gathering in these sacred Chambers to once again conduct the Official Opening Ceremony of another term of Court, the October Term, A.D. 2023 of the Honorable Supreme Court, Republic of Liberia.

Necrology

Hence, in celebrating the goodness and mercy of God in preserving in us the gift of life, we do not forget those who have put on immortality, namely: Former Chief Justice Henry Reed Cooper who departed this life on August 24, 2023; Stipendiary Magistrate Paul T. Johnson, Sr. of the Zwedru City Magisterial Court, 7th Judicial Circuit, Grand Gedeh County; Stipendiary Magistrates S. Yarlor Saywon, II and Sylvester A. S. Gbor of the Gompa City and Lugbeyee Magisterial Courts, 8th Judicial Circuit, Nimba County; Stipendiary Magistrate Joseph C. Wrokpoh, of the Grandcess Magisterial Court, 12th Judicial Circuit, Grand Kru County; Security Officer Saye J. Gonzolo, Chauffer Wilson M. Peabody, Office of the Clerk of the Supreme Court, and Carpenter Aaron Yeah, all of the Temple of Justice, Montserrado County. The Supreme Court, on behalf of the entire Judiciary, extends

profound condolences to the bereaved families of these faithful judicial workers and all families who are grief stricken at this time.

Our Dear Colleague, Mr. Justice Joseph N. Nagbe is without the bailiwick of Liberia for health reasons, and we pray that the Great Physician will accelerate his recovery so that he rejoins us and resume his judicial duties.

We also warmly welcome retired and former Chief Justices and Associate Justices of the Supreme Court who are here to grace this Opening Ceremony. Thank you for continuously keeping our bond of fraternity alive.

We particularly recognize and express gratitude to our International and National Development Partners for their ongoing support and commitment in promoting the rule of law and access to justice in Liberia and the overall programs and activities of the Judiciary.

I am pleased to officially welcome into the Judiciary Family, Counsellors Mameita Jabateh Sirleaf, Golda A. Bonah Elliot, and Wesseh Alphonsus Wesseh, Sr. who were appointed, confirmed and subsequently commissioned, and seated as Resident Circuit Judge, Criminal Assizes “D”, 1st Judicial Circuit, and Relieving Judges, Republic of Liberia, respectively, one month following the Official Opening of the March Term, 2023 of the Supreme Court.

Similarly, I welcome, Counsellors Pape Suah and Musa S. Sidibey, into the Judiciary Family. Counsellor Suah is the Resident Circuit Judge of the 8th Judicial Circuit, Nimba County, replacing retired Judge Roland F. Dahn; while Counsellor Sidibey is Judge of the Sexual Offenses Division of the 8th Judicial Circuit Court, Nimba

County, replacing retired Judge Hector W. Quoigoah. Judge Sidibey is not new to the judiciary having served as Law Clerk in the office of Associate Justice Yussif D. Kaba.

It is worth noting that the sexual offenses division in the 8th and 9th Judicial Circuits, Nimba and Bong Counties respectively, were funded by the Swedish Government through the UNDP Rule of Law Joint Program; The UNDP has also funded the training of 54 personnel of the Judiciary in the area of case management. The Judiciary remains grateful for your support.

Over the years, the Supreme Court observed with grave concern certain acts that continued unabated, by a number of judges of our circuit and specialized courts and some magistrates in constantly abandoning their courts without any formal excuse or notice to the Chief Justice, the administrative Head of the Judiciary. The said acts impeded the administrative functions of the courts that were left unmanned, and contravenes the New Judiciary Law which requires that all courts be opened for the conduct of business at all times with a judge or magistrate available and presiding over proceedings.

Consequent thereof, the Supreme Court, pursuant to its authority under Article 75 of the 1986 Constitution, promulgated Judicial Order No. 9 which states in part, to wit:

“1. That all resident and assigned judges and magistrates shall be present and preside over the Formal Opening of each term of court to which they are assigned and shall remain presiding in that court until the end of the term;

2. That all judges and magistrates must submit a request for excuse to the Office of the Chief Justice and must obtain permission before the request can be considered granted; acting otherwise by leaving the court unmanned shall be considered as abandonment of the court without an official permission from the Chief Justice and shall invoke appropriate administrative action as mentioned hereunder;

3. That henceforth, no Clerk of Court is authorized to preside over the Formal Opening of a term of court of any Circuit, except where specifically instructed by the Chief Justice; nor shall any clerk of specialized or magisterial courts preside over a proceeding;

4. That Resident Judges are required to visit all magisterial courts in their counties at least once during the year and acquaint himself/herself of the performances of these magisterial courts.

5. That it is the sole authority of the Chief Justice to assign or transfer magistrate from their assigned post.

6. That non-adherence to the foregoing shall warrant strict administrative penalty to include forfeiture of salary and benefits for the duration of the period of unexcused absence; and for repeated non-adherence, the name of the judge shall be forwarded to the Legislature for removal from office, and in the case of a magistrate, the name shall be forwarded to the President for revocation of their Commission...”

This Bench is determined in enforcing this Judicial Order and attendant laws; hence, we re-sound the caveat to those judges and magistrates that have been engaged in the acts aforementioned, that the time of talking is over! It is time for action and we will not hesitate to institute stern administrative actions against violators of Judicial Order No. 9. We also warn employees and officers of the courts who stay away from their assigned areas of duty, to also take heed.

Further, it is alarming to note that many of our circuit judges and even some judges of specialized courts and magistrates appointed as resident judges and magistrates to particular circuits and magisterial areas outside of Montserrado County, maintain their residence in Montserrado County. Therefore, at the close of each term, they travel from their resident circuits to be with their respective families within Montserrado County. Not only does travel from far away circuits to Montserrado County or Monrovia pose extra financial burden on the Judiciary's budget in terms of fuel, maintenance and repair costs, and relocation allowances, it also increases the wear and tear on the assigned vehicles of these judges, especially considering the rough terrains. When these vehicles become worn or damaged, it is the responsibility of the Judiciary to replace them. For instance, judges and other judicial staff assigned to the 4th and 7th Judicial Circuits of Maryland and Grand Gedeh Counties, respectively, had to commute to their circuits for the August Term 2023 *via* the Ivory Coast. The Resident Circuit Judge for Lofa County, on numerous occasions travels to her Circuit via the Republic of Guinea. The Judiciary has to obtain the requisite permits from those countries to accord the necessary courtesies and allow safe passages for our judges.

Members of the National Association of Trial Judges of Liberia, and especially resident circuit judges, on behalf of the Supreme Court Bench, I implore you, to

begin, if you have not already started, to plant roots in your respective counties of origin and build residences to avoid the frequent need to travel out of your resident circuits to be with your families in Montserrado County. As resident circuit judges, and as the nomenclature of your position depicts, that is, by the use of the word “resident” you ought to be resident in your circuits of appointment. Yes, in recent times the Judiciary included in its construction plans of Judicial Complexes, residences for both the resident and assigned judges, but it is incumbent upon you to build your own personal residences to adequately house you and your families.

Colleagues of the Bench; The Dean, and Gentlemen/Women of the Supreme Court Bar, you will recall that upon my ascension to the Bench as Chief Justice, I pledged that rebranding the Judiciary would be the hallmark of my administration. In fulfillment of this pledge, we commenced the training of bailiffs of courts of records and Magisterial Courts within Montserrado County and parts adjacent to enhance efficiency in work output. These judicial officers interact with the general public on a daily basis, through the service of precepts and other duties. Hence, they were our first group to receive rigorous training as to their person-to-person skills; spelling and writing skills; and knowledge of their terms of reference, etc. Majority embraced and attended the trainings, while others elected to stay away to hide their inadequacies. The latter are no longer employed with the Judiciary. The training will begin in the South East, upon the abatement of the rains.

We have also initiated engagements with partners for support with the goal of improving our infrastructures and modernizing our courts by incorporating digitization of our systems. In fact, the Judiciary has begun to create a digital work space for the Supreme Court to ensure that Justices of the Supreme Court can participate in the hearing and determination of cases in the event of some

impediment that hinder their physical presence. The exception being that they are within the bailiwick of the Republic. Before our entrance into the Supreme Court's Chambers, I was informed by the Director of Public Information, Cllr. Darryl Ambrose Nmah, that this Program is being carried live on the Judiciary website.

Any beginning, I must admit, is always challenging and seemingly ambitious, given that we are accustomed to the traditional methods and procedures of executing the statutory business of the courts. Besides, we lack the equipment and resources that are required to create a seamless digital workspace; our human resource capacity needs to be augmented to commensurate with the trending digital dispensation of advanced societies. In further support of the Judiciary's vision of transitioning to a digitized system, I would like to recognize the efforts of the Monrovia City Magisterial Court, under the administration of Stipendiary Magistrate L. Ben Barco. Reports show the clerk of that court, Daniel Y. McGill, maintains records of the email addresses of lawyers making representation before said court; and he emails copies of the minutes of the court's sitting to the respective lawyers; I have also been informed that lawyers have the option of requesting assignment of their cases *via* email communication. On behalf of the Judiciary, I commend Stipendiary Magistrate Barco, Clerk McGill, and other staff of the said court for embracing the vision of re-branding the Judiciary, as by this act the image of the Judiciary is improved, and the Judiciary saves costs of stationery. Imagine the savings on paper alone that the judiciary could realize if most or all of our courts were equipped to execute their respective functions digitally. Howbeit, we are determined to keep improving our system until we achieve a topnotch digitally equipped Judiciary that will expediently carry out its functions with utmost efficiency and effectiveness.

Further to our quest of rebranding the Judiciary, our Public Affairs Division has concluded a program on educating the public on the workings of the Judiciary, which is being reviewed by the full bench, and is expected to be rolled out by November, 2023. We find this initiative very important because we realize that some of the bad publicity and disinformation in the public domain regarding the Judiciary, particularly the courts, are predicated on the lack of knowledge of the functions of the courts as well as the mechanisms of judicial workings. We intend to further decentralize the public education initiative in such a manner and form that even our citizens with limited formal education would understand the functions of our courts. I am optimistic that this initiative will help to eradicate the clouds of misconceptions, false innuendos, and vicious criticisms that have over the years tainted the image of the Judiciary.

Colleagues of the Bench; The Dean, and Gentlemen/Women of the Supreme Court Bar, I inform you that the Judicial Complex of the Fourteenth Judicial Circuit, Rivercess County, is fully completed and awaiting dedication. While I am glad that the Judiciary can now boast of its own structure in the Fourteenth Judicial Circuit, Rivercess County, there are many other circuits that are without Judicial complexes or even a structure worthy of hosting a court session. During my visit to some of the structures that host our courts, I silently lamented the deplorable structures that I beheld. I trust that if you were to visit some of these buildings, you too would be shocked! During the March 2023 Opening Ceremony, We displayed by video, the glaring pictures of some of these structures. Notwithstanding, dedicated men and women of the Judiciary ignore the dilapidated structures and working environment and muster the courage to leave their decent homes to sit in harsh working environments to attend court affairs.

In 1965 under the administration of A. Dash Wilson, Sr. as Chief Justice of the Supreme Court of Liberia, the construction of this Temple of Justice structure then called “Law Courts Building” was completed and dedicated. This Building is the seat of the Supreme Court of Liberia and also several other circuit, specialized and magisterial courts within the First Judicial Circuit, Montserrado County. The Circuit Courts in the other Counties continued to share structures of the Executive Branch of Government. The next Judicial Complex comparable to this Building to house several courts and offices is the Sixteenth Judicial Circuit, Gbarpolu County, constructed more than forty-six (46) years later, that is in 2011. Subsequently, six other judicial complexes were built between 2012 to present. Hence, sixty four (64) years later, following the building of the first Judicial Complex in 1965, we have yet to complete the circle of the building of Judicial Complexes in all fifteen (15) Counties of the Republic of Liberia, a Nation at the age of One Hundred and Seventy Six.

Henceforth, the Supreme Court, as Head of the Judiciary Branch of Government, and in exercising its coordinate right with the two other Branches of Government, and by virtue thereof entitled by law to participate in the National Budget will ensure that for each calendar budget year, the cost of constructing at least two (2) Judicial Complexes will be captured in the National Budget until all our Circuits are constructed in a manner to reflect the dignity and independence of the Courts of this Republic. The construction of judicial complexes is captured in the Judiciary’s Five Year Work Plan aimed at ensuring that all circuits have a befitting judicial complex. This Plan is available and will be shared with the other two branches of Government. This is a cause, and should be pursued by all subsequent Chief Justices and Associate Justices of the Supreme Court Bench. This is in consonance with the manner in which the Legislative and Executive Branches of Government place in each calendar

budget “County Development Fund” to address pressing infrastructure challenges under their purview. Hence it is similarly prudent that the Judiciary’s development also be captured in each calendar budget.

Another area of concern of the Judiciary has to do with salaries, allowances and benefits of Justices of the Supreme Court and Judges of subordinate courts. I therefore propose a joint consultative meeting with the Legislative and Executive Branches of Government to conclude on a mutual agreement regarding the salaries, allowances, and benefits of Justices of the Supreme Court and judges of subordinate courts in consonance with Article 72 of the Constitution of Liberia. We will await with heightened expectation the holding of the mentioned consultative meeting.

Colleagues of the Bench; The Dean, and Gentlemen/Women of the Supreme Court Bar; I am pleased to report that notwithstanding all the challenges that confront the Judiciary, during the March Term, 2023, the Supreme Court rendered Opinions in fifty (50) cases. We remain resolved to hear and determine as many cases as time will permit, noting that we have had no break for rest and repose from the tedious but fulfilling job of dispensing justice.

At the close of the March, 2023 Term of the Supreme Court on August 11, 2023, we immediately proceeded to sit in Special Session for the purpose of hearing and disposing of pre-election cases. During this period, we heard and disposed of eleven (11) elections and elections related cases. During the Special Session, we were dismayed by some of the pre-election cases that came before the Supreme Court, noting that some were frivolous and only meant to stir up litigation. Had the lawyers been diligent in their legal research, they would have taken cognizance of Supreme Court Opinions wherein similar issues, as the ones presented in some of the cases on

appeal, were meticulously articulated and disposed of by the Court. The Supreme Court has cautioned lawyers to assiduously research the law to be *au courant* with new legislations and case laws to avoid re-litigation of issues that are settled by precedent. Moreover, pursuant to Rule 11 of the Code of Moral and Professional Ethics, lawyers are duty bound to ascertain the full nature of a controversy before advising thereon; and in the instance where it is foreseeable from a legal stand point that the controversy will not admit of fair judgment, it would be unethical for a lawyer to proceed with an unmeritorious suit. Hence, my Colleagues and I have determined to mete out stern disciplinary actions against lawyers who choose to bring frivolous matters before the Supreme Court for determination.

I am sure that most of us here, if not everyone, are aware of what tomorrow, October 10, 2023 stands for. Elections Day for Presidential and General Elections! The Supreme Court expects cases and appeals to come during voting and post elections period. I therefore resound a caveat to party litigants who will be participating in these elections: ensure that you employ competent lawyers to represent your interest. Members of the Bar who will be representing clients before this Court, I resound this caveat to you: ensure that you adequately research the law *vis-à-vis* the nature of your cases. The Supreme Court operates on a very tight schedule for the hearing and determination of election cases; hence, it would be a waste of our already short time frame, to entertain arguments on issues that have been previously adjudicated and settled by the Supreme Court. Lawyers are further cautioned to first authenticate the legal standing and capacity of their clients as well as their compliance with the mandatory statutory steps and requirements for the filing of a complaint before the National Elections Commission (NEC), and taking an appeal therefrom to the Supreme Court. You can be assured that upon proper motion by an opposing party, the Supreme Court will not hesitate to dismiss an appeal for lack of legal standing

or for failure to comply with the strict statutory requirements that govern appeal process in election cases. *Jonathan Boye Charles Sogbie v. NEC*, Supreme Court Opinion, October Term, A. D. 2016

Moreover, it is necessary that I remind all stakeholders in this election period that the Supreme Court and all subordinate courts are apolitical; Justices of the Supreme Court as well as judges of subordinate courts are bound by a legal and ethical duty to maintain cool neutrality irrespective of the type of case or the parties involved. As opined by Mr. Chief Justice A. Dash Wilson, Sr. in his Opening Address at the March Term, 1960 of the Supreme Court, "...All interests submitted to our fair and impartial adjudication will be reviewed upon the law and facts certified to us only. Our conduct and deliberations will be symbolized by the blind goddess that stands in this sacred temple..."

I now decree the formal opening of the October Term, 2023 of the Honorable Supreme Court. May God save the Republic and preserve and sustain the integrity and dignity of this Court.