

## REVISED RULES OF THE SUPREME COURT

### I - TERM TIME AND DAILY ORDER OF BUSINESS

**Part 1** The Supreme Court shall meet in two terms each year, on the second Monday in March and the second Monday in October, and these terms shall be known as the March and October terms.

**Part 2.** The Court may sit daily from 9 o' clock a.m. to 11 o' clock a.m. , and from 3 o' clock p.m. to 5 o'clock p.m., except on opening day of a term, when the Court may meet at 9 o' clock and recess after the opening ceremony, and the Chief Justice ' s opening address has been heard. The Court shall not meet for business on Fridays and Saturdays, except urgency of business so requires and in case of handing down opinions, and reading judgments, when it may meet on the Friday designated as adjournment day of the term.

On the first or opening day of the term, the Chaplain shall conduct a religious service as part of opening ceremony. Immediately after the Marshal has cried the opening of Court, and prayers have been said by the Chaplain, the Clerk shall call the several rolls of Justices and Counsellors. Counsellors are required to be present to answer to their names at the call of the roll unless excused. This shall not apply to Counsellors who may not be in the City during any session of the Court.

**Part 3.** Oral motion may be made immediately upon sitting to correct the minutes, a copy of which shall be laid by the Clerk not later than 8 0 ' clock each morning upon the table of the Chief Justice for the use of the court, and a copy on the trial table for the inspection of counsels, and the Clerk shall proceed to call the motion and return calendars and the court shall dispose of same; thereafter the docket shall be called, or the hearing of cases already under consideration shall be proceeded with.

### II-MOTIONS

**Part 1.** Except as herein otherwise mentioned all motions shall be in writing and shall contain a brief statement of the facts, and shall be verified by the party or his counsel. There may be united with a motion to dismiss, a motion to affirm the judgment of the court below. If the facts are not admitted, the opposite party shall file answering affidavits and serve the copies thereof

on the moving party, who shall file replying affidavits if necessary, and serve the copy thereof upon his adversary.

**Part 2.** The party filing a motion shall serve the opposite party a copy thereof, at least twenty (24) hours before the hearing is desired.

**Part 3.** The Clerk shall enter on a motion calendar all motions in the order of their filing

**Part 4.** Not more than fifteen (15) minutes on each side shall be allowed for argument of motions, without special leave of the Court given before the argument commences.

### III - THE DOCKET

**Part 1. (a) Entry of Cases** - The Clerk shall enter upon the docket all cases appealed to or pending in this Court in the order of their filing. No case shall be entered on the docket until all of the records and papers connected therewith including briefs shall have been sent up and filed in the office of the clerk. The Clerk in making up the docket shall give the title and nature of every case.

**Part (b)** Within ten (10) days after service of the Notice of Completion of Appeal, the appellant shall obtain or cause the issuance of a Certificate by the Clerk of this Court that the records of the court below have been received in this Court. Both parties shall within five days after or within fifteen days after service of the notice of Completion of appeal file their respective Briefs with the Clerk of this Court.

**Part (c) Amendments** - In so far as it does not promote injustice all pleadings including briefs and motions may be once withdrawn and amended by filing an amended one in substitution of the withdrawn pleading before the cause is called for hearing.

**Part 2. Continuance and Withdrawal** - In all cases where the cause shall not be docketed and the records filed with the clerk by either party before the expiration of five (5) days from the commencement of the term, the cause shall be continued until the next term.

Whenever the appellant and appellee, or the petitioner and respondent shall in vacation by themselves, or either counsel, sign and file with the clerk as agreement in writing directing the cause to be withdrawn and specifying the terms on which it is to be withdrawn as to costs, shall pay to the clerk any fees that may be due him and the ministerial officers, it shall be the duty of the clerk to enter the case withdrawn upon the approval of the Chief Justice or any Justice of the Court, and to give to either party requesting it a certificate of withdrawal.

**Call of** - The clerk, under the direction of the Court shall call causes for argument or hearing in the order in which they stand on the docket, except the cause in which counsel from the counties, outside of Montserrado appear, may be grouped as to take precedence of causes arising from the County of Montserrado. If the parties, or either of them, shall be ready to proceed when the cause is called the same will be heard unless otherwise ordered.

If neither party shall be ready, the cause may be postponed, or put at the foot of the docket. If a cause is called at two terms, and upon the call at the third term neither party is ready to proceed, the case may be dismissed and shall be stricken from the docket without prejudice. Cases involving matters of public interest, and appeals in matters of habeas corpus and criminal cases may be advanced upon the docket in the discretion of the Court. The docket shall be entirely under the control of the Court and no action with reference thereto shall be binding upon the Court, or the Chief Justice thereof

. **Part 3.** All Counsellors of the Supreme Court Bar shall file with the Clerk of the Supreme Court their correct forwarding and mailing address including name of Street, City, County, P.O. Box number and telephone number. The Clerk shall keep this information in a ledger and shall make the information available to the ministerial officer or other counsellors for the purpose of service of papers.

#### **IV - APPEALS, ERRORS, CERTIORARI, MANDAMUS, PROHIBITION, QUO WARRANTO AND BILL OF INFORMATION**

**Part 1. Parties to an Appeal** - Any two or more interested jointly, or severally in a judgment, may join in an appeal therefrom; or anyone or more of them may appeal separately without affecting the right of the others to comply with the said judgment.

**Part 2.** All parties appealing to this Court shall inspect the records on appeal made up by the clerk of court below before transmission to the Clerk of this Court; and all cases brought up by appeal, or otherwise shall retain the same title as in the court below without revising the order of the names.

**Part 3. Transmission of records from courts below** - In all cases brought to this Court by a Writ of Error to review any decision or judgment, the clerk of the court by which such decision or judgment is rendered shall transmit to this Court, as required by law in cases of appeal, a copy of the records connected with the case out of which the Writ of Error arises and petitioners shall file a brief pursuant to the Supreme Court Rules herein.

**Part 4 Notice of** - Whenever an appeal to the Supreme Court is announced from a judgment, ruling or decision, counsel for the appealing party shall, after announcing appeal and performing all of the statutory acts incidental to the completion of said appeal and after taking all of the jurisdictional steps necessary within the time prescribed, furnish his adversary with a copy of the Notice of Appeal, the original of which must have been issued by the clerk and served and returned by the Ministerial Officer. Proof of service shall be evidenced by the Ministerial Officer's returns inscribed on the back of the Notice of Completion of Appeal. These acts on part of appealing counsel shall in no way affect the statutory duties of the clerk of the trial courts in respect to notices of appeal. Any counsel failing to observe this rule, and as a result of said failure his appealed case may be subject to dismissal, shall be punished by the Supreme Court in any matter as the circumstances of the particular case might warrant, even to suspension from practice.

**Part 5. Tolling time for** - Where appeal from a judgment is announced by a party litigant who dies, or whose counsel dies, is disbarred or suspended before the expiration of the time within which appeal can be taken and/or completed, the running of such appeal time shall run anew from the date of the knowledge of the death of either the party or his counsel of record, or the date of the disbarment or suspension of such counsel.

#### **FAILURE OF COUNSEL TO APPEAR**

##### **Part 6**

(a) The clerk shall issue notices of assignment to be served on counsel for each case docketed, which notice shall be served and returned by the Marshal before hearing

(b). When a case which has been assigned and the assignment acknowledged by counsel by his signature thereon is called for argument and neither party appears, or files briefs, the case shall be put to the bottom of the docket and the counsel(s) fined not less than \$500.00. If the parties fail to appear but have filed their briefs, the Court may open the records and at its selection render a judgment with or without opinion.

(c) If a party appears, and the other party does not appear, but files a brief, the Court will proceed to hear the argument of the party appearing, and render its decision on the basis of the briefs filed and the argument of the party appearing. If one party appears, and non-appearing party has not filed a brief, the non-appearing counsel shall be given forty-eight (48) hours to file a brief and appear for hearing of the case; and the party shall be simultaneously informed of the non-appearance of this counsel and the postponement of the hearing for forty-eight (48) hours. If, when the case is again called for hearing, the party or counsel again fails to appear or file a brief, the Court shall proceed to hear the argument of the appearing party and rule thereon.

(d) In all cases where counsels in the absence of written excuse showing cause of their inability to so appear such counsel shall be penalized in a sum of not less than \$100.00 nor more than \$500.00 for each such default. If excuses are tenable, the cause might be continued or hearing thereof postponed.

## **WRIT OF ERROR**

**Part 7. The Writ** - All Writs of Error shall be heard upon certified copies. Any person wishing to bring a Writ of Error before this Court shall file assignment of error with the Clerk of this Court and shall verify the same, alleging in his affidavit or verification that he does not apply for the Writ for the mere purpose of delay; and he shall have attached to his assignment of errors the certificate of one counsellor of this Court, or any attorney of the Circuit Court, if no counsellor of this Court shall reside within the jurisdiction where the trial was held, or who shall not be in the country at the time application is being made for the Writ, to the effect that in the opinion of said counsellor or attorney real errors are assigned therein. Said assignment of errors shall be considered and dealt with as a bill of exception. Immediately upon the granting of an application for a Writ of Error the Clerk of this Court shall issue the same, and the party shall deliver it to the Marshal, or a Deputy Marshal for service upon the party against whom the Writ is obtained. The Justice in Chambers may refuse to grant the application for a Writ of Error if in his opinion the Statutory requirements for issuance are not met, or where the grounds for granting are not sufficient. The Plaintiff-In-Error may appeal to the Court en banc for review of the Ruling denying the granting of the application as a matter of right. However, where the allegations of the application warrant the granting of the application, the Chambers Justice shall order the Writ issued and direct the Clerk of Court to docket the proceedings for hearing by the full bench.

**Part 8. Application for** - Where a party has for good reasons failed to take an appeal as provided by law, there may be granted to such party by the Justice presiding in Chambers, a writ of error from any judgment, decree or decision of any judge or court, at any time within six (6) months from the date thereof, provided that execution thereon is not fully satisfied. The party in whose favour such judgment, decree or decision has been rendered shall be named as defendant in error, and shall be served with a copy of the Writ of Error. Such Writ of Error shall act as a stay of proceedings; and the Plaintiff in Error shall be required by the Justice granting the writ to pay all accrued costs and he may be required to file a bond in such amount and with such surety or sureties as he may name, conditioned upon paying such damages, if any should be sustained by the defendant, in the event that the judgment, decree or decision complained against should be affirmed. Court may, in addition to cost, award the defendant in error his reasonable disbursements made in connection with such writ of error.

#### **WRIT OF CERTIORARI**

**Application for** - Where an action or proceeding is pending in any court or before a judge thereof the Justice presiding in Chambers may grant a Writ of Certiorari to any party who by verified petition may complain that the decision or act of any trial judge is illegal or is martially prejudicial to his rights. Said petition shall set forth the nature of the decision or the act complained against, and shall bear the certificate of two members of the bar to the effect that in their opinion the contention of the petitioner is sound in law. Such writ shall command the judge to send up to this Court a full and complete copy of the record of the proceedings in the matter on trial, with a certificate under seal of the clerk of the court to the effect that the same is true copy as far as the matter has progressed, within three days from the date of the writ or 72 hours. The party in whose favor the decision or act complained against is rendered, shall be named as Respondent and shall be served with a copy of the Petition and Writ of Certiorari . Such writ shall act as a stay of proceedings; and the petitioner in certiorari shall be required by the Justice granting the writ to pay all accrued costs, and he may be required to file a bond in such an amount and with such surety or sureties as he may named conditioned upon paying damages, if any should be sustained by the respondent; if such writ should be dismissed, the Court may in addition to costs, award the respondent reasonable disbursements made in connection with such Writ of Certiorari.

## **WRITS OF MANDAMUS AND PROHIBITION**

Any person wishing to bring a Writ of Mandamus or a Writ of Prohibition before this Court shall do so in strict compliance with the provision of law as contained in Volume 1 of the Liberian Code of Laws Revised, Title 1, Chapter 16, Special Proceedings, Sub-Chapter B. Sections 16.21 and 16.22.

## **WRITE OF QUO**

### **WARRANTO**

Any person wishing to bring a Writ of Quo Warranto before this Court shall do so in strict compliance with provision of law as contained in Volume 1 of the Liberian Code of Laws Revised, Title 1, Chapter 16, Special Proceedings, Sub-Chapter C, Sections 16.31 through 16.37.

## **BILL OF INFORMATION**

A Bill of Information will lie to prevent a Judge or any Judicial Officer who attempts to execute the mandate of the Supreme Court in an improper manner from doing so. A Bill of Information will also lie to prevent anyone whomsoever from interfering with the Judgment and/or Mandate of the Supreme Court. The Bill of Information shall be venued before the Court en banc and shall be filed with the Clerk of Court. The approval of the Chief Justice or an Associate Justice shall not be required prior to the filing thereof. Once a Bill of Information shall have been filed, it shall be governed by the procedures outlined in these Rules and the Civil Procedure Law for handling of Petitions. Any counsellor who files a Bill of Information before this Court assigning reasons therefor other than the reasons expressly prescribed by these Rules shall be penalized by the imposition of a fine, suspension or disbarment.

## **BILL EXCEPTIONS**

**Part 1. Contents of** - The appellant shall state in his bill of exceptions the points of law to be especially relied upon in support of his appeal; and the bill of exceptions shall contain only such statements of facts and only such papers as may be necessary to explain the rulings on the issues or question involved, and the appellant shall state distinctly the several matters of law in the charge of the court to which he excepted.

## **VI - DEATH OF A PARTY**

**Part 1. Procedure In** case of the death of either party, the name of the executor or administrator may be substituted, and the cause be proceeded with. Either party may submit a

motion for such substitution and the same shall be disposed of as justice and equity may require.

**Abatement of Case** If no representatives of a deceased party shall appear with a motion for substitution for two terms after the death of the party, the cause may be stricken from the calendar upon the motion of the opposite party.

## VII-BRIEFS

**Part 1.** Upon the assignment of the case for argument, a sufficient number of copies of the briefs on both sides shall be filed in the Clerks' s Office, and each of the Justices shall be furnished a copy, and another copy shall be kept in the records of the case in the Clerk' s office. Counsels on both sides shall serve copy of their brief on their respective adversaries at least 48 hours before the schedule time of hearing of the case. Said briefs shall contain (1) a concise history of the case and (2) the points to be argued with legal authorities supporting the same. Such authorities shall be to such an extent as may be necessary to give the court a clear understanding of what is held by the authority cited. When evidence is referred to, the folio or page where it appears in the records shall be stated.

## VIII- ARGUMENT

**Part 1. Number of Counsel and Time Allowed** - Only two counsellors will be heard for each party during the argument of a case; and not more than 2 hours shall be allowed to each party without special leave of the Court granted. The time thus allowed may be apportioned between the counsel on the same side at their discretion.

**Part 2. Opening and Closing** - The appellant shall be entitled to open and close the argument of the case. In opening a case, counsel shall make a fair and clear statement of it. He shall not make a normal opening and reserve argument. In the discretion of the Court argument in a case might be disallowed; and the minutes of the court must show the decision of the Court for disallowing argument, or the party may with leave of Court submit the case without argument.

## IX - RE-ARGUMENT

**Part 1. Permission for** - For good cause shown to the Court by petition, a re-argument of a cause may be allowed only once when some palpable substantial mistake is made by inadvertently overlooking some fact, or point of law.



**Part 2. Time for** - A petition of re-hearing shall be presented within three (3) days after the filing of the opinion, unless in cases of special leave granted by the Court en banc upon application.

**Part 3 Contents of Petition** - The petition shall contain a brief and distinct statement of the grounds upon which it is based, and shall not be heard unless a Justice concurring in the Judgment shall order it. The moving party shall serve a copy thereof upon the adverse party as provided by the rules relating to motions.

**Part 4.** Where a concurring Justice has ordered the Re-hearing the cause shall be redocketed for examination and determination of the facts or points of law allegedly overlooked in the original judgment by the Court en banc

### **X-OPINIONS**

**Part 1. Filing and compiling** - Opinions delivered by the Court shall immediately upon delivery be handed to the Clerk for circulation and distribution, to be filed and deposited in his office. He shall cause the same to be compiled and bound in sets or collections consisting of all the Opinions delivered at the particular term of Court.

**Part 2. Publication and distribution of** - The Clerk shall prepare opinions which must have been mimeographed or otherwise reproduced, and these opinions shall also be furnished free to heads of the other branches of the Government, judges of inferior courts, and foreign representatives near the capital. All remaining sets of the opinion shall be made available to practicing counsel in the various circuits for a fee. Prosecuting counsel shall also receive copies of the opinions for a reasonable fee.

**Part 3(a). Preparation and circulation of draft opinions** - Every Justice assigned to deliver the Opinion for the determination of a case heard, shall prepare and circulate among the members of the Bench

a draft of such Opinion for comments, suggestions and/or corrections by his colleagues, within reasonable time before the same is mimeographed in the final stage. The fact that a Justice dissents from the views of his colleagues shall never preclude him from being furnished copy of the draft opinion of the Justice assigned to speak for the Court, nor should his having dissented and disagreed with the majority, excuse him from furnishing each of his colleagues copy of his draft dissenting opinions. In no case should an opinion be read from the Bench of the Supreme Court with the Court sitting en banc, unless the same had been timely circulated to all members of the Bench previous to delivery date. Each Justice shall be responsible for preparation of his draft opinion, which after comments, suggestions and/or corrections of his colleagues shall be delivered to the Mimeograph Clerk for reproduction under his personal supervision.

(b) Until the opinion is read from the Bench, and after it has been mimeographed, its security shall be the personal responsibility of the Clerk of Court and the Research Assistants, who shall keep it under lock and key, and make it available only to members of the Bench.

**Part 4** . It shall be a grave offense punishable by immediate dismissal and/or other actions in accordance with law, for any employee working an opinion to reveal the contents thereof before said opinions are read from the Bench.

## **XI - JUDGMENT**

**Part 1. Entry of** - The Justices shall sign all judgments and the clerk shall file the same and remit a copy under seal to the court below with a mandate requiring immediate and strict compliance therewith.

## **XII - MANDATES AND RETURNS**

**Part 1. Filing returns to mandates** - Mandates to the courts below commanding the execution of judgments, shall be transmitted immediately upon the adjournment of the term of court or immediately after the rendition of the opinion during the term time. To all mandates of this Court, returns shall be made, and they shall contain a clear statement of the manner in which they have been complied with, and shall be verified, except such returns are made by judges. Every judge before the first day of the term immediately succeeding the term at which a mandate shall be issued, unless directed to make returns to a justice in chambers, shall file a return showing the action taken by him in the premises. Should the judge of any court fail to make a return, such failure shall be recorded, and the clerk shall present the original of the returns made to the Court on the first day of the term, when a return calendar shall be read and disposed of.

## **XIII - Remedial Writs**

**Part 1. Filing of application** - Application for any of the remedial writs shall be addressed to the Chambers of the Justice presiding in Chambers, and shall be filed in the clerk' s office. The petitioner shall be required to pay a fee for filing, issuance of notice and service of the writ (not less than \$25.00 and more than \$100.00). Where service of the precepts fall within mileage allowances for ministerial officer, the petitioner shall also pay such allowances.

**Part 2 .Alternative writ** - Upon the application of a party by petition, duly verified according to law and the rules of this Court, for a remedial writ prior to the issuance of the Alternative Writ,

the Justice may ordinarily cite the parties to a conference or he may issue "a Citation", and if temporary relief shall be deemed necessary, it shall be provided for in such citations.

If the matter should involve in any way the rights of the public, the Attorney General, or other prosecuting office of state shall have notice of the application, if the Court or Justice shall deem it necessary he may issue a citation for preliminary hearing in keeping with law.

Part 3. Upon a hearing heard under such alternative writ, an absolute writ may be issued directing the performance, or non-performance, or cessation of any act, which to the Court or Justice thereof may seem just, legal or equitable, subject to appeal to the Supreme Court, upon such condition as the Justice may prescribe. All petitions for which a Chambers Justice has ordered the issuance of Remedial Writs must be heard and determined before the expiration of the term the orders were issued, except the exigency demands otherwise, in which case no more than one order for the issuance of Remedial Writ may be permitted. The Justice in Chambers may also order the Judge to resume jurisdiction and dispose of all cases pending before Chambers on Remedial Writs for more than two terms without prejudice.

#### **XIV - COUNSELLORS**

**Part 1. ADMISSION OF** - Except as hereinafter provided, no person shall be admitted as a counsellor of this Court, unless he or she shall have been a practicing attorney for a period of at least three (3) years immediately previous to his or her application for admission, and shall be of good moral standing, the same to be evidenced by the certificate of at least two (2) members of the bar of this Court.

**Part 2. EXAMINATION OF** - The Court shall appoint an examination committee of at least five practicing counsellors of the National Bar Association. No Attorney-AtLaw shall be permitted to practice law before the Supreme Court or to be a member of the Supreme Court without first sitting and passing the Supreme Court Bar Examination.

#### **ATTENDANCE OF THE OPENING AND CLOSING OF TERMS**

Every counsellor domiciled, or happening to be in Montserrado County on days of the opening and closing of each term of Court, will be expected to be present,

unless previously excused by a member of the Court, or prevented by uncontrollable circumstances of which the Court shall be the judge, provided that before any penalty is imposed upon a counsellor for absence on the day of opening and closing it shall be satisfactorily shown to the Court that he had received at least three (3) days prior notice to the date of said closing or opening.

At all such ceremonies, the President of the National Bar Association and counsellors-at-law who have been members of the Supreme Court Bar for twentyfive (25) years or more shall sit in the front rows of the seats reserved for counsellorsat-law as a place of honour in the Supreme Court Chambers.

**Part 3 Contemptuous for disbarred or suspended lawyers to practice** - In the event any counsellor of the Supreme Court is suspended or disbarred by order of the Supreme Court, and he shall appear in any courts of record or courts not-of-records or covertly continue to render or perform legal services by preparation of contracts and other legal documents, directing and managing the enforcement of legal rights of others, both he and the person, firm or corporation, who having notice directly or constructively of the suspension or disbarment of said counsellor or attorney shall have accepted such service, will be punished by this Court after summary proceedings for contempt. The provisions of this section shall also apply to all magistrates, justices of the peace and judges of courts of record within this Republic.

\* Subject to amendment by the Supreme Court.

#### **XV-LIBRARY**

**Part 1.OPEN TO** - The Library of the Supreme Court shall be opened to members of the National Bar Association; to all judges of inferior courts; to members of the Legislature, and to law officers of the Executive or other departments of the Government, but it is mandatorily forbidden that books be removed from the building

**Part 2. . RETURN OF BOOKS SAME DAY** - No book, pamphlet or other library property shall be taken away for use except in this Court or in an inferior court in the building, or by one of the departments of Government; and the person upon taking the same shall give a written receipt to the Librarian, and shall return the book taken within office hours or the same day. Any violation of this rule shall make the offending party liable to fine in a sum sufficient to replace the book or property so taken, and he shall be denied further access to the library.

**WORKING HOURS** - The Library shall be opened during such times as the reasonable needs of the National Bar Association and Court require, and it shall be governed by such regulations as the Librarian, with the approval of the Court may provide.

#### **XVI - OFFICERS OF THE COURT**

**Part 1.**The Court shall suggest for appointment by the President, the Court Administrator, Research Officer, the Clerk, Marshal and one Deputy Marshal for each County, and shall appoint all other officers; provided, however that the bailiffs of the Court shall not exceed eight (8) in

number. Each of the members of the Court shall be entitled to a personal bailiff, to be appointed by him; all others shall be appointed by the Court, and all bailiffs shall be provided with uniforms by the Court.

**Part 2. THE ADMINISTRATOR** - The Court Administrator who must in all cases be a counsellor of the Supreme Court, shall be responsible to, and serve directly under the Chief Justice as administrative assistant to him or her, in all phases of his or her administration of the Judicial Branch of the Government. His duties shall include the collection of judicial data and preparation of court statistics; supervision of all judiciary personnel throughout the country, except judges who shall report to the Chief Justice or the Court; fiscal management of the courts and the Branch of Government, all under the Chief Justice's direction; to see that the offices of all clerks of courts of record function according to rules governing court administration, as promulgated by the Supreme Court, and basically to assist the Chief Justice in performance of all duties which his/her administrative responsibilities impose upon him/her. He shall prepare and submit to the Chief Justice, an annual report of the administrative operations of the Judicial Branch; and this report shall be submitted on or before the 30th of September of each and every year. A statistics of the trial and disposition of causes in all of the courts of the country shall be kept up to date in his office, and he shall make a monthly report thereon to the Chief Justice, which will enable the re-assignment of judges.

**Part 3 .**The Research Officer, who shall be a counsellor of the Supreme Court or a suitable trained lawyer with specialty in legal research, shall be the officer responsible in the judiciary for legal research for the Chief Justice and Associate Justices and to assist in the preparation, editing and publication of the opinions under the supervision of the Justices of the Supreme Court.

There shall be appointed by the Chief Justice five Research Assistants to be assigned to each member of the Bench selected by them from students of the Louis Arthur Grimes School of Law or some recognized Law School who shall serve as Law Clerk to each Justice for one Calendar Year only for which they shall be paid stipends.

**Part 4.** Each member of the Supreme Court shall be entitled to employ at least one (1) Law Clerk to assist him or her in the performance of his or her official duty. The Law Clerk shall be an attorney-at-law and such position shall be provided for in the budget of the Judiciary. This is to ensure placement for men and women who have made and are still making sacrifice to pursue the study of law; and at the same time such appointments will relieve Justices of the imposing tedious tasks of legal research so necessary to the preparation of opinion in deciding cases.

After the opinions of each Justice have been mimeographed and made ready for reading from the Bench, the Research Officer and the Clerk of the Court shall have the responsibility for their safety, and will be liable and subject to disciplinary action should their contents become known prematurely.

**Part 5. The Clerk** - The Clerk of Court shall keep his office seat of the National Government, and the same shall be opened daily, Sundays and holidays excepted, from 8 o'clock a.m. to 12 o'clock p.m. and from 2 o'clock p.m. to 5 o'clock p.m. (Provided however, that on Saturdays, the hours shall be from 10 o'clock a.m. , except altered by other regulation). He shall furnish the members of the Court with copies of the docket at least ten (10) days before each term, and shall perform such other judicial duties as are required by law and by the rules of this Court, or as may be required by the members thereof in the administration of justice.

**Part 6.** The Marshal shall keep his office at the seat of the National Government, and the same shall be open daily, Sunday and holidays excepted, from 8 o'clock a.m. to 12 o'clock noon; and from 2 o'clock p.m. to 5 o'clock p.m., and shall be attended by himself or a deputy unless otherwise ordered by the court or any member thereof, provided however that on Saturdays the hours shall be from 10 o'clock a.m. to 12 o'clock noon. He shall perform such duties as are required by law and by the Rules of this Court, or as may be required by the members thereof in the administration of justice.

**(a) DEPUTIES** - All deputies shall be subject to the order of the Court, or any member thereof.

**(b).UNIFORM** - The Marshal and Deputy of the Supreme Court shall wear the usual service uniforms of Military Officers, during the ordinary day-to-day sittings of the Court. On opening and closing days, and on special public occasions and for ceremonial purposes, they shall wear the dress frock coats of a Brigadier General and Colonel respectively, with Liberian brass buttons, epaulets, sword and chapeau; the Bailiffs and Messengers shall wear uniforms, and the Police Officers attached to the Court shall wear the uniform of their service.

It shall be irregular, and is forbidden, for any Officer of Court to practice law, either directly or indirectly while he continues in office.

## **XVII-COSTS**

**Part 1.In favor of appellant** - In all cases of reversal except where the reversal be for want of jurisdiction, costs shall be allowed the appellant, unless otherwise ordered by the Court. In favor

**Part 2 .In favor of appellee** - In cases of affirmance, costs shall be allowed the appellee, unless otherwise ordered by the Court.

**Part 3. Not against the Republic** - No costs shall be allowed against the Republic, nor shall she collect any.

**Part 4. Bill of Costs** - Upon the termination of every case the Clerk shall make up a bill of costs and shall furnish the party against whom cost is assessed a copy of the said bill. Costs of the transcript of the records from the Court below shall be a part of such cost. In no case shall any portion of the cost be received before final termination of the particular case; and all costs of the Supreme Court shall be collected by the Marshal or his Deputy only after having been taxed by counsel and approved by a Justice of the Supreme Court.

**LIST OF COSTS**

Serving an attachment in Admiralty proceedings, or libel in admiralty .....	\$10.00
A warrant, attachment, or summons per each respondent .....	5.00
Subpoena, per each witness.....	5.00
Selling a vessel or other property, and for receiving or paying the moneys for any sum under one thousand dollars, per centum.....	5%
For sums over one thousand dollars, per centum.....	2%
For every commitment or discharge of a prisoner .....	5.00
For attendance in court, per diem .....	15.00
For serving remedial writs.....	10.00
Collection fees on all amounts . .....	6 1/4%
Taxi Fare .....	5.00
Serving notices of assignment .....	5.00
Mileage to Nimba, Lofa, Grand Gedeh Counties.....	20.00
Mileage to Bong County .....	10.00
Officer's Subsistence per diem .....	10.00

NOTE: This list of costs shall be subject to amendment from time to time by order of the Supreme Court and

Published.

**Part 5. Transmission of costs by Deputy Marshal** - Upon the receipt of any costs accruing from bill of costs from this Court, the Deputy Marshal shall forward the same to the Marshal of this Court at his office in the Supreme Court; retaining as his fees one-half of the Marshal's cost; and failing to do so, he shall be punished for contempt.

**Report of** - The Marshal and Deputies shall make a report every term upon all bills of costs collected by them and the disposition made of the proceeds thereof.

**Part 6. Execution for** - In cases not arising from a lower court, execution for costs shall be issued by the Clerk in favour of the successful party; and the Marshal, or the County Deputy Marshal, shall collect and payout the same, subject to the laws relating to sheriffs. In all other cases execution shall be issued by the court below or the judge thereof under the mandate from this Court.

**Part 7. Attachment for** - Upon an affidavit from the Marshal or a Deputy Marshal that a copy of the bill of costs has been served upon a party and that he is unable to collect the same, any Justice may direct the Clerk to issue a writ of attachment, and the Marshal or Deputy Marshal shall arrest and commit him to jail until such costs are paid.

## **XVII - FEES AND MILEAGE**

**Part 1.** All fees and mileage allowed by law for the filing and service of papers and the writ process of this Court shall be paid in full to the Clerk, the Marshal or the Deputy Marshal of any County, by the party desiring to have the same filed or served, unless otherwise ordered by the Clerk, or a member thereof.

**Part 2** In all civil cases heard in any of the courts of this Republic, and finally determined, the losing party shall pay or cause to be paid in addition to the costs of court, fees known as the "Successful Attorney Fees" this fee shall be included in the bill of costs, collected by the Ministerial Officer of Court and paid over by him to the counsel representing the successful party. In the Supreme Court it shall be Twenty Dollars (\$20.00), and in the inferior courts of records Ten Dollars (\$10.00); subject to amendment by Supreme Court from time to time.

## **XIX - MISCELLANEOUS PROVISIONS**

**Part 1.** The Supreme Court shall hold a National Judicial Conference at least once each year. The participants at this conference shall include Justices, Judges, Magistrates and Justices of the Peace.



**Part 2.** Indigent parties - Where a party in indigent circumstances seeks relief from the Supreme Court, or from the Chambers of a Justice thereof, either by appeal or remedial process; but because of poverty is unable to secure legal representation or any fees incident to a hearing, such indigent party shall not be denied a hearing because of inability to pay counsel's fee, filing or other charges necessary. In all such cases said indigent party shall petition the Justice presiding in Chambers; the said petition shall be verified and filed in the clerk's office without cost. It shall state in detail the indigent condition of the party, and that he or she desires to take advantage of hearing assigned for a term immediately following, but is prevented from doing so because of financial embarrassment. A hearing of the petition shall then be assigned and the adverse party notified to the merits of the petition, shall order the records certified and sent up from the trial court; or, in case of a remedial writ, he shall order the notice issued for some convenient chamber day. In case of appeal, hearing in the Supreme Court will be had upon the records only, without incurring any counsel expense. Costs against such indigent party shall be disallowed in every case.

**Part 3.** Expenses - All expenses shall be authorized by the Court, and paid in accordance with regulations governing the payment of government expenses; all vouchers for these payments shall be approved by Chief Justice, or by the Justice in Chambers

**Part 4.** Robing - Counsellors attending the opening or adjournment of the Court, or appearing to represent a party, must be robed before entering the Courtroom except during Chamber Session when a robe is not required. At no time shall a counsellor be allowed to either put on or take off his robe in the Courtroom.

**Part 5.** Meaning of Word -The word "Appellant" in these rules shall include itself and "Plaintiff-In-Error" and "Petitioner", and the word "Appellee" herein shall mean also "Defendants- In-Errors" and "Respondent."

**Part 6.** Application of rules to chambers - These Rules shall apply to chambers as far as practicable.

**Part 7.** Court rooms and furniture - The rooms or furniture of the Supreme Court shall not be used except for the purposes of the court, unless by permission of the Court.

#### **FINES**

(a) Failures to attend Opening or Closing of terms - Subject to the Provisions of Section XIV, Part 3, or this rule, any counsellor of the Supreme Court who fails to attend the opening and closing of terms of the Court, shall be penalized by a fine not less than \$25.00 or more than \$100.00 to be paid in the Bureau of Revenue against official receipt which shall be exhibited to the Chief Justice, before such counsel be allowed to practice.

(b) Lateness - After opening ceremony of each sitting of the Court, any counsellor or officer of the court entering the Courtroom shall be considered late and shall pay to the Marshal a fine of not less than \$10.00 and not more than \$100.00 and a receipt issued therefor which shall be exhibited to the Chief Justice before such counsel be allowed to practice, unless this lateness has been notified to the Court in advance. The Marshal shall exhibit Revenue Receipts to cover such fines at the next ensuing meeting of the Court.

## **XX- ASSIGNMENT OF JUDGES**

**Part 1 .** Assignment - All assignments of circuit judges made by the Chief Justice, is pursuance of law or of the rules of this Court, shall be considered by such judges as mandatory and shall be immediately acknowledged, and returns thereto made to the chief justice in chambers, within reasonable time after their return from the circuit to which they had been assigned showing that the mandate has been obeyed. In case of disability of a judge to fill his assignment he shall forthwith make returns to that effect.

**Part 2.** Proceedings for Contempt- proceedings for contempt will lie against judges failing to comply with the rule.

## **PROFESSIONAL CHARGES**

Except in cases of indigence which shall be determined at the discretion of the counsel, it is forbidden for a lawyer to charge for professional services rendered , any amount lower than the minimum charges as provided in Rule 37 of the code of moral Ethic. Any violation of this Rule will subject the violator to disciplinary action.

## **FORM OF MARRIAGE CEREMONY TO BE USED BY JUDGE**

Upon arrival of the couple at the place designated for the ceremony, whereat there should be at least three witnesses, the License authoring the ceremony shall be inspected before the ceremony begins,. The rings are not essential to be the conclusion of the contract, so may or may not be used.

### **Part 1.**

### **THE CEREMONY**

The judge shall address the company and couple: Ladies and Gentlemen:

We are gathered here to perform a ceremony and thereby conclude a contract of marriage between (man's full name) and (woman's full name); a contract which they now seek to enter into of their own volition; a contract which they will make before God and you all.

Marriage , according to the universally accepted principles of common law is , "A contract made in due form of law , by which a man and woman reciprocally engage to live with each

other during their joint lives, and to discharge toward each other the duties imposed by law on the relation of husband and wife, marriage, in our law, as distinguished from the agreement to marry and from the act of becoming married is the civil status of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those association is founded on the distinction of sex.”

### **B.L.D. UNDER MARRIAGE**

The conclusion of the contract will entitle them to be known hereafter as husband and wife. In the presence of God and these witnesses, they will vow and take upon themselves obligations honorable to society and sacred to the State. So important are these obligations, that they need never be undertaken without a sincere determination by both parties to fulfill them. I therefore make inquiry of the parties themselves, and of you Ladies and Gentlemen present if there be any known reason why this ceremony might not now be performed?

### **Part 3.**

### **LICENSE**

(If no reason is expressed, the ceremony continues). In view of no apparent causes to prevent me from performing this ceremony to make (man's full name) and (woman's full name) husband and wife; and also in view of their having expressed their desire to be so joined; and because they are both of legal age and physical fitness, as is evidenced by the documents they have secured from the Registrar's Office, I shall now proceed to join them in wedlock

### **(HUSBAND'S VOW WILL BE ADMINISTERED)**

I, (Man's first name), take thee (Woman's first name) to be my wedded wife, to have and hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love, cherish and protect, till death do us part, according to God's Holy ordinance and in keeping with the law of Liberia, and thereto plight thee my troth. (If a ring is provided it shall be placed upon the wife's finger by the husband, whilst he repeats the following.) This Ring I give and place upon your finger, as a token of the Vows and obligations I have this day made and undertaken, and recited in the presence of God and this company, I shall faithfully keep and perform; and assure you of mutual share in my worldly possessions.

### **(WOMAN'S VOW WILL BE ADMINISTERED)**

I, (Woman's first name), take thee (Man's first name) to be my wedded Husband, to have and hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love, cherish and protect, till death do us part, according to God's Holy ordinance and in keeping with the law of Liberia, and thereto plight thee my troth. (If a ring is provided it shall be placed upon the husband's finger by the wife, whilst she repeats the following)

) This Ring I give and place upon your finger, as a token of the Vows and obligations I have this day made and undertaken, and recited in the presence of God and this company, I shall faithfully keep and perform; and assure you of mutual share in my worldly possessions. 2 (The judge shall then charge the couple in these words or any other he might deem appropriate).

### **CHARGE**

Marriage is a civil as well as spiritual contract, whist the breaching of the terms thereof finds redress under our law, a strict fulfillment of them is ample guarantee of moral strength of the Nation, like in civil and other contracts, the basic foundation upon which your union rests, and its safety depends, is consent of parties. Judge Bouvier in his treaties on Marriage has laid down this abiding principle in these words: "At common law, no particular form of words or ceremony was necessary. Mutual assent to the relation of husband and wife sufficient. Any words importing a present assent to being married to each other were sufficient evidence of the contract." Not only must there be consent of parties, but the said parties in both sides of the contract, must have contracting capacity. These capacities vary in different countries among different people. In our country, and according to our laws, the parties are of legal capacity if they are:

- (a) Of legal age
- (b) Not already married (c)
- (c) Not related to each other within certain limits of consanguinity
- (c) Of sane minds, etc.

No country can be stronger morally or otherwise, than the communities which compose it, and these communities are made up of the families brought into being by marriages. The Courts of our country are therefore reluctant to annul these marriage ties which were originated by God and which are born of a desire to perpetuate the human kind in the atmosphere of morality and Christianity; and whenever they have been forced to do so, it has been upon legal cause properly shown. But these causes need never arise, if you will remember the solemnity of the oaths you have taken and bear in mind the responsibility you owe to your country and to your posterity.

In a moment the union which this ceremony has brought into being, will join the numerous others all over the country, whose first duty like yours, is to produce and train the men and women who must assume and control the affairs of your country tomorrow. Upon my pronouncing you husband and wife, you will go forth from this place as a shining example to the youths of this land, and of any other land in which you may reside; an example of proper

behavior and of uprightness of character. Let no act of yours impair the sacred obligations you have this day undertaken, lest thereby you destroy the moral impression this act of yours makes upon society, and to that extent weaken morality in your community. It is our hope that the God of Heaven and Father of all human destinies will bless your union with children, who will be blessings to you and credits to your country.

**THE DECREE**

By virtue of the authority in me vested as a (N) (Full name of office held) of the Republic of Liberia, and in keeping with the provision of the Matrimonial Causes Act passed by the Legislature in the session held in 1935 and approved February 24, 1936; and also because there appears to be no legal impediment against these parties concluding a contract of marriage, I therefore declare that, (Man's first name) and (Woman' s first name) are husband and wife, and that they should be so regarded hereafter, both in law and in equity, from the date thereof.

AND IT IS SO ORDERED.

Given from under my hand this - -

- day of , A.D. \_ \_ \_ \_

JUDGE' S SIGNATURE AND TITLE

NOTE: This form is model which might be altered to suit the desire of the Judge or Justice officiating.

Nathaniel K. Weah, Sr. COURT ADMINISTRATOR