

OPENING ADDRESS OF HER HONOR SIE-A-NYENE G. YUOH
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
OCTOBER TERM A.D. 2024
OCTOBER 14, 2024

Colleagues of the Bench

Former Chief Justices and Associate Justices of the Supreme Court

The Dean, Gentlemen and Women of the Supreme Court Bar

Fellow Citizens

Distinguished Guests, Ladies and Gentlemen:

Introduction

In the Spirit of the Constitution of Liberia and prescribed in the Judiciary Law, Rev. Code 17:2.5, which mandates that “the Supreme Court shall hold two terms annually, commencing on the Second Monday of October and on the Second Monday of March”, we have congregated once again within these sacred walls to commemorate the Official Opening Ceremony of the October Term A.D. 2024 of the Supreme Court, of the Republic of Liberia.

My colleagues and I officially and warmly welcome you all to the performance of this legal tradition canonized not just by the Judiciary Law, but also by established precedents practiced by our ancestors of the Black Gown Aristocracy.

We warmly welcome His Excellency Joseph Nyuma Boakai, Sr., President of the Republic of Liberia, His Excellency Jeremiah Kpan Koung, Vice President of the Republic of Liberia, Honorables J. Fonati Koffa and Nyonblee Kangar Lawrence, Speaker of the House of Representatives and President Pro-Tempore of the Liberian Senate, respectively.

We particularly welcome our colleague Madam Justice Ceaineh D. Clinton Johnson to the Bench, and in her capacity as Associate Justice, to the formal opening of the

October Term, A.D. 2024 of the Supreme Court. Madam Justice Clinton Johnson, following her nomination by H. E. Joseph Nyuma Boakai, Sr. President of the Republic of Liberia, confirmation by the Honorable Senate, and thereafter her appointment and commissioning as Associate Justice of the Supreme of the Republic of Liberia by the President, she was officially seated as an Associate Justice of the Honorable Supreme Court Bench on August 29, 2024, thus completing the full membership of the Yuoh's Bench since the demise of Associate Justice Joseph N. Nagbe.

We heartily welcome former/retired Chief Justices and Associate Justices of the Supreme Court who are here to grace this Opening Ceremony, and I have consistently said, we thank you for continuously keeping our bond of fraternity alive.

We also welcome the President and members of the National Association of Trial Judges of Liberia (NATJL), the President of the Liberian National Bar Association the President of the Association of Female Lawyers of Liberia and all Counsellors-at-Law to this opening ceremony.

We extend warm greetings to all our international and national development partners, members of the diplomatic corps represented here today by their respective emissaries. We remain grateful for your continuous support and commitment to promoting the rule of law and access to justice in Liberia.

Necrology

As we reflect on the many blessings God has abundantly bestowed upon us, with the most treasured being the gift of life, we also remember those members of the Judiciary who have passed from labor to rest. These include Associate Magistrate Francis S. B. Weagba, Moweh Magisterial Court, Rivercess County, and Bailiff Amos George, Revenue Court, Rivercess County; Assistant Clerk Henry S.W. Kouh, Thirteenth Judicial Circuit, Margibi County; Car Attendant Teah Yallah, Bailiffs Comfort M. Briggs and Roosevelt Christie, Security Officer Ruth Wleh, Analyst Joshua Segbe, and Assistant Clerk Pewee M. Zayzay, First and Sixth Judicial Circuit, Montserrado County. On behalf of the entire Judiciary, the Supreme Court extends heartfelt condolences to the families of these dedicated judicial workers and to all who are grieving at their demise.

Rebranding the Liberian Judiciary

Colleagues of the Bench; the Dean, Gentlemen and Women of the Supreme Court Bar; allow me to reiterate the pledge that I made upon my ascension to the position of Chief Justice on this Bench. I pledged that rebranding the Liberian Judiciary would be the hallmark of my administration regardless of the duration of my tenure at this post; that the Liberian Judiciary shall embark on an irreversible path to transformation and modernization for an enhanced, effective and efficient access to justice, characterized by transparency, accountability and professionalism.

During the opening of the March A.D. 2024 Term of this Court, Madam Justice Wolokolie, delivering the Opening Address on my behalf, informed you all that in fulfillment of this pledge, we, the Supreme Court, with support from the United Nations Development Program (UNDP), developed a 5-Year Strategic Plan (2024-2028), under the theme: Rebranding the Liberian Judiciary; anchored on five (5) Strategic Objectives (SOs) to include: (i) Quality and Expanded Infrastructure for Improved Access to Justice (ii) A more Professional and Competent Judicial Personnel (iii) Efficient Case Management System (iv) Improved Administration of Criminal Justice, and (v) Improved Constitutional rights Litigation and Judicial Integrity. This Strategic Plan was since launched on February 6, 2024.

Since the launch of our Strategic Plan, the Judiciary, within its limited capacity, has taken tremendous steps towards the actualization of the vision contained within the Plan. To this end, our technical working team has developed complete proposals (technical and designs) for the construction of a new Supreme Court Building, the remaining seven (7) Judicial Circuit Complexes and twenty (20) Magisterial Court buildings, all of which are to be constructed within the next five (5) years.

Over the years, the decline in budgetary allotments to the Judiciary has severely constrained the overall operations of this Branch of Government and limited its ability to adequately support its numerous programs and projects, including staff capacity development, logistics and supplies, and infrastructure development; paramount among these challenges is the deteriorating condition of court infrastructure and facilities. The Temple of Justice, which houses the Supreme Court, was originally constructed and dedicated in 1968 to accommodate approximately 300 staff members and court users. Since then, despite the building

now serving over 2,000 people, including judiciary staff and the public, no major renovations have been carried out. The building's structural integrity has significantly deteriorated, making the construction of a new Supreme Court facility an urgent necessity to reduce overcrowding and prevent potential hazards. With this in mind, we have designed a new Supreme Court building to be erected on these premises.

Distinguished members of the Bar and our guests, the infrastructural challenge of the Judiciary is not only limited to the Temple of Justice, but also to seven of our Judicial Circuits and almost all of our Magisterial Courts within the country. Allow me to also highlight the deteriorating conditions of some of our circuit and magisterial courts, where the public expects judges and magistrates to deliver quality service. In such deplorable conditions, one must question the Government's commitment to sustaining and strengthening the rule of law in Liberia. It is important to note that while the Legislature is responsible for establishing courts and the Executive for appointing magistrates, judges, and justices, their efforts fall short without adequate budgetary appropriations to the Judiciary for adequate and efficient regulation of judicial processes. Without sufficient funding, the actions of these two branches of government will be unable to achieve their desired objective of maintaining peace and upholding the rule of law. How, then, can we expect our judicial officers to perform at their best under these circumstances?

However, we of the Supreme Court Bench responsible for administering the practice of law in Liberia and the custodian of the law have not lost hope in the future of our country, and this is why our vision for a transformed Judiciary, as captured in our Strategic Plan, is to construct Judicial Complexes in the remaining circuits and at least twenty (20) Magisterial Courts as a start, over the next five (5) years.

We have already agreed as a Government of Liberia to construct the first of the seven (7) Circuit Court Complexes in Maryland County and we are pleased that funds have already been allotted for the construction works to begin within the next ninety (90) days. Significant steps have been taken for the acquisition of suitable land space in the 12th Judicial Circuit, Grand Kru County, 13th Judicial Circuit, Margibi County and the 15th Judicial Circuit of Rivergee County, whilst efforts are being pursued toward securing suitable land space (a minimum of 5 acres each) in the 2nd Judicial Circuit, Grand Bassa County, 5th Judicial Circuit, Grand Cape Mount County and the 10th Judicial Circuit of Lofa County for the construction of Judicial Complexes.

We solicit the support of the local Bars of these counties along with their Executive and Legislative authorities in helping the Judiciary achieve this goal, that is, the acquisition of land.

The Bench will not cease to assiduously remind His Excellency, President Boakai and the members of the Fifty-fifth Legislature that the need for Judicial Complexes in all the political subdivisions of the Republic of Liberia should be prioritized. This need is intrinsic to the constitutional guarantee of access to justice for everyone within and without the territorial boundaries of this Republic. The construction of Judicial Complexes over the next five years, shall be executed in the following order:

1. Fourth Judicial Circuit Maryland County
2. Fifth Judicial Circuit, Grand Cape Mount County
3. Tenth Judicial Circuit, Lofa County (*the President also wants his court built*)
4. Twelfth Judicial Circuit, Grand Kru County
5. Thirteenth Judicial Circuit, Margibi County
6. Fifteenth Judicial Circuit, River Gee County
7. Second Judicial Circuit, Grand Bassa County (*Note: Grand Bassa County already has a court built within it, however, due to the sea erosion the building has deteriorated, hence the need to revisit that circuit and build a judicial complex*)

Additionally, as part of the Judiciary's ongoing efforts to enhance access to justice through the modernization of court infrastructure, the 14th Judicial Circuit Court Complex in Rivercess County, which was constructed with exclusive support from the Government of Liberia, was officially dedicated on August 12, 2024, by His Excellency Joseph Nyuma Boakai, Sr., President of the Republic of Liberia. We commend the Legislative Branch for allotting the necessary funds and the Executive Branch for securing and providing the requisite funding to the Judiciary for this project. We look forward to continuous coordination between the Judiciary and the other two branches of Government for the completion of that project specifically the construction of the judges' residences and the fencing of the complex which when done will complete the complex.

At the end of this address, we will display for your viewing, the plan and design for the new Supreme Court, as well as the models and designs of our standardized circuit court complexes and magisterial court buildings.

Mr. President, Mr. Vice President, Honorable Speaker and Pro-Tempore of the House of Representatives and Senate respectively, My Colleagues of the Bench, the Dean, Gentlemen and Women of this Bar, distinguished ladies and gentlemen. You will agree with me that the world today has made unimaginable advancement in technology to the extent that we either accelerate our pace in Liberia to catch up with the rest of the world or be thrown back into the stone-age whilst others are advancing. This is why the modernization and digitization of all judicial infrastructure and systems of operation is a cardinal Strategic Objective of the Judiciary's Five (5) year Strategic Plan. The overall objective of this plan is to begin the migration of all processes of the Liberian Judiciary (both judicial and administrative) from manual (paper-based) processes to fully digitized (automated) processes within 5 years, thereby enhancing the quality of judicial services delivery by (i) minimizing, if not eliminating direct person to person contact in the delivery of judicial services, thereby curbing the potential for corruption, (ii) ensuring the speedy adjudication of cases (iii) ensuring security of court records, and (iv) ensuring a high standard performance evaluation system for all judicial officials.

In this endeavor, the Judiciary has again taken significant steps towards achieving this very ambitious goal. Our technical team, headed by the Director of Public Information, Strategic Planning and Development, has also developed a complete proposal for the digitization of all Circuit and Specialized Courts within the Republic, and the Supreme Court. During the launch of the Strategic Plan in February this year, one of the guests present, was the Country Manager of the African Development Bank (AfDB), who expressed his amazement by the Vision and Strategic Direction of the Chief Justice and the Bench for the Judiciary and the Rule of Law Sector, as espoused in the Plan, noting that in all support given to the Government of Liberia by the Bank, they were unaware of the exclusion of the Judiciary. He then promised to advance the vision of the Judiciary to the Bank's Board for future consideration in whatever support to Liberia going forward.

True to his words, in April of this year, we were informed by the Ministry of Finance and Development Planning (MFDP), that Liberia has been considered for African Development Bank (AfDB) financial support and that the Judiciary was earmarked as one of the beneficiaries for that funding support for which the Judiciary presented its digitization project to the AfDB, through the MFDP for consideration. Following series of engagements between our technical team, the MFDP Planning and Project

department and the technical team from the AfDB, the first phase of the digitization plan, which includes the building of the primary digital infrastructure, development of the E-Justice Digital Platform, and the migration of the first five (5) courts onto the platform, was agreed upon. Those courts to begin the digital process are: the 6th Judicial Circuit, Civil Law Court, Montserrado County, the Commercial Court, Montserrado County, the 1st Judicial Circuit Courts, Montserrado County, the Monthly and Probate Court, Montserrado County, and the Honorable Supreme Court.

In realization of this Vision, the Judiciary has facilitated stakeholders' engagements with relevant agencies of government, to include the Ministry of Justice, the Liberia Land Authority and the Liberia Revenue Authority, geared towards building a concerted effort in running an Integrated system, while the Strategic Planning team just returned from a Study Visit to the Republic of Rwanda with a mission to gain hands-on information and knowledge on the judicial reforms culminating in the successful transition to the E-Justice System in that country. Rwanda today, has become the pace-setter in digital E-governance on the African Continent.

Other preparatory works have been earmarked in anticipation of the full implementation of the digital project. The financial agreement is expected to be approved by the Board of Directors of the African Development Bank at its meeting later this month of October. Hence, we anticipate execution of this process to begin in January 2025 and the testing of the system by the third quarter of 2025. It is also our expectation that the five (5) courts listed *supra* to begin the transformation process, will begin 1st January, 2026 with the other Judicial Complexes migrating onto the system over the span of another five years.

We also anticipate that upon completion of the digitization plan, our courts will be more adept at speedily adjudicating cases especially those pertaining to land tenure, business & commercial interest, investment, SGBV, pretrial detention, and other offenses involving danger to the person across Liberia. I wish to take this time to express our heartfelt gratitude to the Country Manager of the AfDB and through him, the Board and Management of the African Development Bank (AfDB), for this game changing support to the Judiciary and the Rule of Law sector in Liberia. We look forward to working with the Government of Liberia and other partners for further support in expanding this digitization project to the rest of the country.

Colleagues of the Bench; The Dean, Gentlemen and Women of the Supreme Court Bar; in my Opening Address of the Supreme Court for the March Term A.D. 2024, I informed you that the Supreme Court had constituted a Review Committee, chaired by Retired Chief Justice Francis S. Korkpor, Sr. And other members of the Committee are: Retired Associate Justice Philip A.Z. Banks, III, former Associate Justice M. Wilkins Wright, Former Associate Justice P. Edwin Gausi, Judge Roosevelt Z. Willie, Judge Ousman F. Feika, Judge Golda Bonah Elliott, Cllr. Cyril Jones, Cllr. Betty Lamin-Blamo, Cllr. Ruth Jappah, the President of the Liberian National Bar Association and the Dean of the Louis Arthur Grimes School of Law. Mr. Justice Yussif D. Kaba serves as the Supreme Court's representative the said Committee. The Committee was mandated to review the Revised Rules of Courts, the Code of Moral and Professional Ethics for Lawyers, and the Judicial Canons, with the goal of identifying challenges or shortcomings and to advance recommendations to align these instruments with current realities. This includes, but is not limited to, addressing issues such as interference with court judgments and curbing the rise of unmeritorious lawsuits and filing of petitions for remedial writs by lawyers, which often contribute to delays in case adjudication or hinder the execution of judgments. The Review Committee has reported that it is nearing the completion of its work and will be submitting a preliminary report to the Supreme Court within the next two months. This is in line with Strategic Objectives (iv & v) of our Strategic Plan geared toward Improving the Administration of Justice and Constitutional Rights and Judicial Integrity.

As we explore ways to upgrade our judicial system to align with the demands of the digital age, it is equally important to ensure that judicial officers and staff are fully equipped to efficiently manage our courts.

In that regard, my fellow Justices and I have instituted regular unannounced visits to Magisterial Courts within our respective areas of supervision. These visits are conducted to ensure that magistrates and court staff are not only present and properly qualified, but are also fulfilling their duties in full accordance with the law.

Additionally, we are dedicated to providing staff with the essential tools and resources needed to perform their duties effectively while ensuring that their work environment is conducive to enhance productivity. This approach aims to enhance

service delivery and improve overall judicial performance. The message taken to these magistrates, reminded them of the following: (i) that they are month to month courts; (ii) that they have limited territorial and subject matter jurisdictions; (iii) it is mandatory that they expeditiously dispose of cases; (iv) that the legislative intent of the establishment of magisterial courts is to keep the peace within their respective magisterial jurisdictions.

During these unannounced visits to my areas of supervision, I observed the unnecessary delays in cases brought before our magistrates due to antics of lawyers to procrastinate the judicial processes in a court of limited jurisdiction. Taking judicial cognizance of the legislative intent for the creation of magisterial court include *inter alia*, expeditious disposition of disputes *vis-à-vis* the Rules and Regulations for the Governance of the Magisterial and Traffic Courts, the Supreme Court finds it unacceptable for cases to linger before the magisterial courts for periods longer than prescribed by law simply because of the shenanigans of some lawyers appearing before magisterial courts. Rule 9 the latter law states:

“No civil case shall be postponed and continued for more than two (2) weeks, except for good reasons in the discretion of the Magistrate. Neither shall a civil case be continued from month to month without speedy determination. No criminal case in the Magistrate Court, nor might any case in the Traffic Court, remain pending and not disposed of for more than thirty (30) days after arrest”

Henceforth, the Supreme Court will implement strict monitoring mechanisms to ensure that magisterial courts adhere to the prescribed time limits for cases. In particular, we caution magistrates against the frequent deferral or granting of continuances in persistent non-support cases. Any practicing lawyer will recognize that such actions by magistrates are unjustifiable. Accordingly, magistrates are now mandated to resolve these cases within a maximum of two (2) days.

I also noted instances where magistrates grant continuances for up to six (6) months to allow a defendant to obtain their deed in an action of summary proceedings to recover possession of real property, which is a travesty of justice. Any practicing lawyer should be aware that even if the defendant returns with a deed, the magisterial court lacks jurisdiction, as the issue of title would then arise, making the matter

cognizable only before a circuit court through an action of ejectment. Therefore, it is most appropriate that a magistrate should promptly issue judgment in favor of the complainant in such summary proceedings to recover possession of real property cases.

Colleagues and members of the bar; as I intimated *supra*, the Supreme Court will not compromise adherence to the rule of law.

I was dismayed to encounter, on two (2) occasions of my unannounced visits to magisterial courts, individuals falsely representing themselves as lawyers and practicing before the courts. While the Civil Procedure Law permits a non-lawyer to make representation in a magisterial court, the said law is specific as to the category of persons who may so act. Section 1.8 of the Civil Procedure Law captioned “*who may represent a party*” states thus:

“A party, other than an infant or incompetent person, may prosecute or defend a civil action in person or by attorney or both, except that...

(b) a party may be represented in a court of a stipendiary magistrate or justice of the peace by a husband, wife, father, mother, brother, sister, son, daughter, or guardian...”

In instances where non-lawyers who fall in the category of persons listed in the above quoted provision of the law represent a party before the magisterial court said representation should clearly indicate the capacity of the person making said representation. However, contrary to the law cited above, the individuals I encountered who were presenting themselves as lawyers affiliated with specific law firms, are in fact non-lawyers. Rule 37 of the Code for Moral and Ethical Conduct of Lawyers states that “*no lawyer shall permit his professional services, or his name to be used in aid of or in connection with, or to make possible, the unauthorized practice of law by laymen or lay agencies, personal or corporate, or by persons who have failed to strictly comply with the rules controlling the admission of lawyers...*”

Although we promptly issued a circular to all courts, directing them not to allow these individuals to appear as counsel in any matter, and further notified the general public not to engage the legal services of these individuals, I herewith resound the caveat to lawyers and law firms currently engaged in aiding the unauthorized

practice of law, or anticipates doing so subsequently, that upon discovery of same, the Supreme Court will penalize both the law firm and the lawyers associated therewith in the most stringent manner, commencing with their names being placed on a delinquent list and forfeiting all benefits as counselors-at-law of the Supreme Court Bar.

Similarly, while this warning is specifically applicable to lawyers and law firms, non-lawyers who purport and represent themselves as lawyers before any court in this Jurisdiction risk facing legal actions.

Another observation I noted during my visits to some magisterial courts is the assignment of unqualified city solicitors thereat representing the State and practicing law before the courts. As I stated, the practice of law is reserved only for lawyers, that is, those who have graduated from recognized schools of law and who have been admitted into the practice of law. This was brought to the attention of the Minister of Justice/Attorney General of the Republic of Liberia and the Solicitor General, who have assured the Supreme Court that this issue will be addressed promptly to ensure compliance with legal standards for practicing law. We look forward to seeing the necessary changes implemented.

Coordination & Collaboration in Governance

Colleagues of the Bench; the Dean, Gentlemen and Women of the Supreme Court Bar; in addition to the urgent need for Judicial Complexes to accommodate judges and court staff, the Supreme Court is also concerned about the non-compliance of both the Legislative and Executive Branches with the Financial Autonomy Act (2006). It is important to note that this Act, in accordance with Article 35 of the 1986 Constitution, has full force of law since it was passed by both Houses of the Legislature and subsequently approved by the President of the Republic of Liberia.

Although the Financial Autonomy Act was intended to ensure a neutral and independent Judiciary, free from political influence by the other branches of government, it is clear that both the Legislative and Executive Branches have shown reluctance in advancing this important objective. My conclusion is based on the fact that, even before I assumed the role of Chief Justice of the Honorable Supreme Court of Liberia, these branches had failed to comply with the Financial Autonomy Act of 2006.

In my Opening Address for the March Term, A.D. 2023, delivered on March 13, 2023, I emphasized that “this Bench will not allow the Judiciary to be treated as a mere governmental agency. The Judiciary is a Constitutional Branch of the Liberian Government, and its budget, fiscal allotments, and salary disbursements are not subject to the whims and caprices of Ministers, Directors, and Supervisors of the Ministry of Finance and Development Planning (MFDP).”

I underscored this point by referencing Section 21.3 (1) (2) of the Financial Autonomy Act (2006), which states:

“1. **The Supreme Court shall** submit to the Bureau of the Budget annual estimates of the expenditure and appropriations, supplies, and services, including personnel, as well as funds appropriated for retirement pensions and death benefits necessary for the maintenance and operation of the courts. Supplemental and deficiency estimates may also be submitted from time to time for the same purposes, according to law.

All such estimates shall be included in the National Budget estimates **without revision**, though subject to any recommendations by the Bureau of the Budget, which may be included with the transmittal of the National Budget estimates from the President of Liberia to the Legislature for action.

2. Upon the passage into law of the National Budget all appropriation of funds to be expended by the Judiciary Branch shall be disbursed by the Ministry of Finance to the Judicial Branch by four quarterly installments. The first of such installment to be disbursed at the beginning of the first quarter of the year after the passage of the budget and quarterly thereafter - **in any event each installment must be disbursed to the Judicial Branch within fifteen (15) days of the beginning of each quarter.**

All such funds **shall be deposited in bank account (s) which shall be operated and administered by the Judicial Branch, under the**

overall supervision of the Chief Justice and according to the budget.”

Pursuant to the provisions of the law quoted above, I must emphasize at this juncture that the Executive Branch, by and thru the Ministry of Finance, is without legal authority to question or revise estimates of “expenditures and appropriations, supplies, and services, including personnel, as well as funds appropriated for retirement pensions and death benefits necessary for the maintenance and operation of the courts” as prepared by the Supreme Court and forwarded to the MFDP for inclusion into the National Calendar Year Budget. Also, the MFDP is legally required to disburse the first of the four quarterly disbursement at the beginning of the first quarter of the year.

Before proceeding further, I must point out that the Supreme Court's advances at drawing the attention of the Legislative and Executive Branches to their non-compliance with the Judicial Autonomy Act began during the administration of former President George Manneh Weah and the Fifty-Fourth Legislature. Unfortunately, these efforts were disregarded, as both the Executive and the Legislature proceeded to draft a budget for the Judiciary without consulting the Supreme Court. With the change in government, the Supreme Court has continued its advocacy under the Boakai-Koung administration, emphasizing the need for adherence to and compliance with constitutional and statutory provisions affecting the Judiciary. We remain unwavering in this pursuit until the Judiciary is treated as one of the three co-equal branches of the government as per the mandate of the Constitution.

Predicated on the Judiciary's quest for proper coordination between the three branches of government, on June 17, 2024, a meeting was had between the Full Bench and the President of Liberia, His Excellency Joseph Nyuma Boakai, Sr. during which time we discussed several pressing national concerns, but particularly the laws affecting the independence and neutrality of the judicial system of this Republic.

On Sunday, June 23, 2024, President Boakai, as head of government, convened a working dinner with the leaders of the three branches of government. The aim was to foster a collaborative spirit and establish a new mindset of harmony and peace,

ultimately ensuring sustainable growth, development, equity, and prosperity for all Liberians. We once again extend our gratitude to you, Mr. President, for your foresight in organizing this consultative meeting among the three branches of government, promoting coordination and effective governance.

As we indicated in our discussion at the working dinner, the Supreme Court is taken aback that after eighteen years since the passage into law of the Financial Autonomy Act, the Legislature and the Ministry of Finance continue to prepare budgets estimates for the judiciary and the Executive is yet to be in full compliance thereof by disbursing quarterly allotments of the Judiciary's budget to its account within fifteen (15) days prior to the beginning of each quarter.

While we take judicial cognizance that the Financial Autonomy Act provides that non-compliance with the provision regarding quarterly disbursement to the Judiciary's account is ground for the Supreme Court to hold the Minister of Finance or any other responsible officer for Contempt of Court, we are more inclined to coordinating with the Executive Branch through the Minister of Finance & Development Planning to ensure compliance with the dictates of the law. We are also cognizant of the prevailing financial situation plaguing the country. However, it is our position that, where such financial constraints arise, a consultative process be held amongst the three (3) branches of government in arriving at a common position on budget allocations, rather than the Legislative and Executive branches making such decision and imposing same on the Judiciary, a co-equal branch of the Liberian government.

In view of the above, it is crucial that a joint consultative meeting on the 2025 calendar budget be promptly convened among the three branches of government to reach a mutual agreement and ensure compliance with applicable laws. Considering that the Legislature will be convening on the second Tuesday in October, same being on tomorrow, we look forward to arranging a suitable schedule with the Legislature and the Executive Branches for this proposed meeting. Let us work together to avoid another impasse.

Colleagues of the Bench; The Dean, Gentlemen and Women of the Supreme Court Bar; Another issue of concern to the efficient functioning of our courts, specifically the magisterial courts, is the appointment and commissioning of Stipendiary and

Associate Magistrates. Magisterial courts were created to make the judiciary more accessible to the public, especially in rural areas where higher courts might be far away. While the commissioning of magistrates, both Stipendiary and Associate, is the exclusive prerogative of the President of Liberia, it is necessary to seek the input of the Supreme Court, since the latter is the only branch of government constitutionally authorized to regulate the practice of law in this Jurisdiction. In this regard, I propose that due consideration be given to a revision of the law to include a mandatory vetting process of candidates by the Supreme Court of Liberia and the Liberia National Bar Association (LNBA) before forwarding same to the President for commissioning. The necessity of having the Judiciary's input in the commissioning of Magistrates is predicated on the fact that when magistrates act contrary to the law, it is the Supreme Court that is inundated with complaints of their unethical and sometime unlawful conduct; and these complaints reflect on the image of the Judiciary.

Mr. President, I bring to your attention the law that regulates the appointment and tenure of magistrates. Section 7.5 of the New Judiciary Law section states thus:

“The President shall appoint for each magisterial court a Stipendiary Magistrate, who shall act as chief magistrate of the court, and such associate stipendiary magistrates for each court as he deems necessary and expedient to dispose of the judicial business within the magisterial area covered by each court. A stipendiary magistrate shall hold office for a period of four years and shall be eligible for reappointment; but he or she may be removed from office by the President, for a cause established and based on an investigation conducted by the Judiciary Inquiry Commission.”

However, it has now been over four years since the last commission of magistrates was renewed, making the current occupancy and presiding over courts by these magistrates, whose commissions are yet to be renewed, illegal. This Bench is committed to ensuring adherence to the law; hence, on April 16, 2024, we submitted to the Office of the President of Liberia, a listing of Stipendiary and Associate Magistrates whose commission have expired and require renewal. We hope this will inspire our magistrates to perform at their best in the administration of justice in their respective jurisdictions.

Colleagues of the Bench; The Dean, Gentlemen and Women of the Supreme Court Bar; another issue of concern to the Supreme Court is the placement of constables, sheriffs, and curators within the judicial system without adhering to the law applicable to the appointment of such persons.

Sheriffs are ministerial officers of the circuit and specialized courts, charged with the responsibility to carry out the orders, judgments and decrees of the courts.

Similarly, Constables are ministerial officers assigned to magisterial courts and charged with the responsibility of effecting the orders, judgment and decrees of said courts; these constables fall under the jurisdiction of the Sheriff of the county,

Curators, although ministerial officers, are assigned specifically to probate courts, and are authorized to perform all the duties of an administrator.

The New Judiciary Law stipulates that Sheriffs and Constables are to be appointed by the President of the Republic of Liberia with the advice and consent of the Senate; in like manner, the Decedents Estates Law also authorizes the President of the Republic of Liberia to appoint, with the advice and consent of the Senate, curators who thereafter are assigned to probate courts across the bailiwick of the Republic. The pertinent provisions of the aforementioned laws states thus:

“Section 15.1

The president by and with the advice and consent of the Senate shall appoint a sheriff for each county and as many sheriffs as are required to carry out the duties of the office;

Section 16.1

The President by and with the advice and consent of the Senate shall appoint for each court not of record as many constables as are required to carry out the duties of the office...” *New Judiciary Law*, Rev. Code 17:15.1, 16.1

“Section 112.1 (2)

The President, by and with the advice and consent of the Senate, shall appoint a curator for each county and in addition, for each territory and

district in which a probate court is established...” *Decedents Estates Law, Rev. Code*

However, it has come to our attention that many of these ministerial officers, who, under Section 21.1(2) of the New Judiciary Law, are subject to the administration of the Judiciary, are no longer being appointed by the President. As a result, some ministerial officers have been appointed illegally, as their appointments did not originate from the President of the Republic of Liberia, and they lack the necessary qualifications for their positions.

During my routine inspections of various magisterial and circuit courts, I was alarmed to find that some of these officers lacked even basic reading and writing skills. Yet, these are the individuals responsible for serving court precepts and filing written returns on how such services were executed. They are the very staff our courts depend on to enforce orders and judgments. This Bench finds such incompetence not only reprehensible but entirely unacceptable.

In an effort to remedy the situation, the Supreme Court initiated consultative meetings with both the former and current Ministers of Justice, with the goal of strengthening the capacity of ministerial officers assigned to the Judiciary by the Ministry of Justice. Additionally, the meetings aimed to identify and remove those officers who were clearly unqualified for the positions they held. We noted that some of these ministerial officers placed within the judiciary by the Ministry of Justice were:

1. Appointed by an employee of the MOJ rather than the President;
2. Employed without evidence of their qualification;
3. Paid salaries not commensurate with the duties and responsibility imposed on them under law; [in most instances, One Hundred Twenty United States Dollars (US\$120.00)]

I once again urge the Minister of Justice to ensure that all ministerial officers recruited to serve within the Judiciary are thoroughly vetted before their names are submitted to the President for appointment. Incompetence has no place in the Judiciary we are striving to rebrand!

Mr. President, Mr. Vice President, Mr. Speaker, and Madam Senate Pro Tempore; on July 15, 2024, the *Bench en banc* held a meeting with the Minister of Justice & Attorney General, who was accompanied by the Inspector General of the Liberia National Police (LNP), the Chairman and other technical staff of the Liberia Land Authority, Judge Ousman F. Feika and Judge Golda A. Bonah Elliott, Assigned Judges of the Civil Law Court, and Cllr. Elizabeth J. Nelson, Court Administrator of the Judiciary Branch. The meeting was convened to address the rising wave of violence surrounding land transactions, particularly those involving land surveys, across Liberia. Several key issues were identified during the meeting, including but not limited to:

- The enforcement of court judgments in land cases;
- The increasing violence and public resistance against the enforcement of such judgments;
- The conduct of illegal land surveys, which often lead to violence;
- The role of the Liberia Land Authority in regulating and administering land-related issues to reduce conflicts; and
- The role of the Liberia National Police in supporting the enforcement of court judgments.

During the meeting, we acknowledged that the level of violence associated with land disputes poses a serious threat to national security and the rule of law. As a result, a technical working group on land administration and enforcement was established. The members of this working group include:

- Liberia Land Authority (three members, including the Chairman) – Chair;
- Ministry of Justice (two members) – Member;
- The Judiciary (three members) – Member;
- Liberia National Police (two members) – Member; and
- Ministry of Public Works (two members) – Member.

It will again interest you all to note that an acquaintance meeting was called at the Temple of Justice for the technical team to begin its work in this direction, two weeks following our meeting. Unfortunately, the meeting was cancelled due to lack of quorum because only the Judiciary and the Land Authority were present, notably, with the Ministry of Justice, Liberia National Police and Ministry of Public Works

were absent. Since then, this technical team has made no further initiative towards achieving the objectives of the meeting held. We want to call on these agencies within the Executive branch to take the issue of justice serious and act accordingly.

Judicial Activities

Colleagues of the Bench; The Dean, Gentlemen and Women of the Bar; I am pleased to report that during the period under review, the National Association of Trial Judges of Liberia, with support from the Government of Liberia, successfully hosted the 2024 Africa Regional Group Meeting of the International Association of Judges (IAJ), from May 6 to 10, 2024, under the theme, “the Judiciary in Contemporary Times: Dispensing Justice in the New Information Age”. The IAJ was founded in Salzburg, Austria, with headquarters in Rome, Italy. It currently comprises 98 member countries and representative groups from five (5) continents, with the African Regional Group comprising 20 countries, including Liberia. This event marked the first time the Judiciary of Liberia has hosted an international conference of such significance for which we congratulate the President for allocating funds and the National Association of Trial Judges of Liberia for demonstrating our capability to host the rest of the continent and the world in these endeavors.

The Supreme Court of Liberia continues to support the Liberia National Bar Association (LNBA), that before attorneys-at-law apply for admission into the Supreme Court Bar, those applicants are required to be current with their licenses, National Bar due and local bar due. This has been one of the areas of collaboration between the Supreme Court and the LNBA.

In this light, we call upon the LNBA to also collaborate with the Supreme Court regarding adherence to Rule XIV, part 3 of the Rules of the Supreme Court which states in part:

“Every counsellor domiciled, or happened 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...”

Henceforth, counsellors domiciled or happened to be in Montserrado on the days of opening and closing of this Court are expected to be present thereat or face penalty to be imposed by the Court.

We will now proceed with the presentation.

I now declare the October Term, A.D. 2024 of the Honorable Supreme Court opened. May God save the Republic and preserve and sustain the integrity and dignity of this Court.