

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

The Management of ArcelorMittal of the City of Buchanan, Grand)
Bassa County, Republic of Liberia.....Appellant)

Versus) APPEAL

His Honor Joseph M. Kollie, Resident Judge, National Labor Court and)
Marvin H. Smith et al., of the City of Monrovia, Liberia.....Appellees)

GROWING OUT OF THE CASE:)

Marvin H. Smith et al. of the City of Monrovia, Liberia.....Movants)

Versus) MOTION TO
STRIKE

The Management of ArcelorMittal of the City of Buchanan, Grand)
Bassa County, Republic of Liberia.....Respondent)

HEARD: November 11, 2025

DECIDED: December 18, 2025

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This appeal is before us from a ruling made by the National Labor Court Judge, His Honor Joseph M. Kollie, granting the motion to strike filed by Marvin H. Smith et al., appellees herein against ArcelorMittal Liberia Limited, appellant herein.

The appellant has argued that the said ruling of the co-respondent Judge is erroneous and should therefore be reversed by this Court.

A review of the certified records before this Court shows that the appellees herein were employees of the appellant who, due to some disagreements about their demands with the appellant's management decided to engage in a strike action when their demands were not met and there was no amicable resolution to the said issues existing between the appellees and the appellant.

The appellant management decided to dismiss the said employees, appellees herein, based upon this action, the appellees filed a complaint of wrongful dismissal against the appellant

alleging that the appellant's action dismissing them were illegal and against the Decent Work Act and the appellant own regulations.

The Ministry of Labor through its Hearing Officer conducted a thorough hearing and ruled adjudging the appellant liable to the appellees for wrongful dismissal and ordered that the appellant reinstate the appellees or pay them their full benefits in lieu of reinstatement.

The appellant, being dissatisfied with the ruling of the Hearing Officer, filed a petition for judicial review at the National Labor Court. The appellees thereafter filed a motion to strike the appellant's petition for judicial review on grounds that the petition was filed by an unlicensed lawyer, Cllr. Stephen B. Dunbar, Jr., in direct contravention of Rule five (5) of the ***General Rule Applicable in All Courts of Liberia***; therefore, the said petition should be stricken from the records as though it was never filed and the hearing officer's ruling should be enforced.

The appellant filed its response to the appellees' motion arguing that the Supreme Court has interpreted the said rule relied upon by the appellees to not be strict application to defeat the ends of substantial justice and that the interpretation of such procedural laws should always promote the ends of substantial justice; that while it is the law that no person shall practice law or appear before any court as an attorney or counsellor-at-law without a lawyer's license, the issue of a lawyer practicing without a license must be decided upon a fair determination of the substantive rights of party litigants and that a fine should be imposed as opposed to a strict application of the said Rule Five (5).

The appellant further argued that the said petition was also filed under the name of Cllr. Emmanuel T. Reeves, who is one of counsels of petitioner and a licensed lawyer. The appellant then prayed the National Labor Court to deny the appellees' motion to strike in its entirety and impose any such fine at the judge's discretion.

The trial judge heard arguments on the said motion and ruled granting the motion, thereby dismissing the said petition for judicial review as filed by the appellant.

The appellant obviously in disagreement with this ruling of the trial court, filed this appeal before this Court, urging this Court to overturn and reverse the trial court's ruling as the same is erroneous and inconsistent with law.

The appellant before this Court has vehemently and fervently argued that, the records certified to the National Labor Court from the Ministry of Labor is silent on any contention

raised by the appellees on the issue of the appellant's lawyer not being licensed to practice law and that the issue of whether a lawyer is licensed to practice law or not is a factual issue and as such, the said factual issue which must and ought to have been raised and determined at the trial level or at the hearing or investigation at the Ministry of Labor; that the National Labor Court is an appellate court and is therefore required to handle cases filed before it strictly on the records certified before it from the Ministry of Labor and is barred by law to take any additional or new evidence, and the fact that the appellees did not raise the said contention before the Ministry of Labor, the appellees is guilty of waiver and laches; therefore, the National Labor Court lacked jurisdiction to hear and determine the said issue.

The issue that must be determined by this Court to reach a judicial conclusion is:

Whether the National Labor Court, sitting in review, acted properly in dismissing the petition for judicial review on the grounds that it was filed by an unlicensed lawyer?

We note from the appellant's argument that the appellant's lawyer has not denied that he was an unlicensed lawyer when he filed the petition for judicial review, his argument is primarily centered on the fact that the National Labor Court is an appellate court and is subject to review matters solely on the records certified before it and not to take any extra evidence.

Before we begin, we think it necessary to mention that in labor matters before the labor court, a party doesn't necessarily need a lawyer to represent you, it is only before the National Labor Court that a lawyer is mandatory; therefore, whether a lawyer is licensed or unlicensed before the Ministry of Labor is not an issue.

We take recourse to the New Judiciary Law, Section 17.9 which provides that: "*No person shall practice law or appear before any court as an attorney or counsellor at law without a valid license as a lawyer.*"

This Court has further held this rule stressing that: "*No person shall practice law or appear before any court as an attorney or counsellor-at-law without a lawyer's license.*" *Lonestar Insurance Co. v. Cooper et al.*, 40 LLR 549, 554 (2001). This age-old principle has been repeatedly confirmed in numerous opinions of this Court. *Kanna v. Smith et al.*, 24 LLR 359, 363 (1975); *M.1.M Timber Company v. Bayeh*, 20 LLR 357, 358 (1971); *Buchanan v. Raymond Concrete Pile Company*, 20 LLR 330, 333 (1971).

We affirmed the law and precedents of this Court cited above and hold that no lawyer shall appear before any court in this Country as an attorney or counsellor-at-law who is not a valid

licensed lawyer, and that any such person proceeding to act in any capacity as a lawyer without a valid license shall have whatever legal proceedings or legal engagement that he/she is involved with declared void ab initio upon discovery by any court within this jurisdiction.

Obtaining a valid license annually as a lawyer is not just a mere legal formality or technicality, but rather it serves a higher legal purpose. Firstly, a lawyer's license serves as prima facie evidence of his qualification, admission and good standing and affirms that he has met the educational and professional criteria set forth by the Liberia National Bar Association (LNBA) and has been duly admitted to the bar; it also serves to maintain professional competence within the practice of law within our jurisdiction as the renewal of license is intrinsically tied to Continuing Legal Education requirements as established by the LNBA, ensuring that lawyers remain abreast of legal developments and precedents and maintain professional and scholarly competence; moreover, maintaining and upholding the licensing system serves as a barrier against impostors and unqualified individuals who may clandestinely seek to exploit the system and unsuspecting clients who may end up losing life or property because of poor and inadequate representation from an unqualified person.

It is evident that the importance of obtaining a license before proceeding to practice law cannot be overstated. Notwithstanding all the reasons cited, the most important reason for obtaining a license is because it is a statutory requirement. Who can society expect to adhere more to the rule of law other than lawyers? If a lawyer, who is supposed to be the custodian and protector of societal laws, cannot adhere to the rule of law by paying his bar dues, which is a statutory requirement, how much more then, can society expect of a lawyer?

The paying of bar dues and obtaining a license is not merely ceremonial but carries a significant legal undertone that this Court cannot help but ensure and enforce that before any lawyer practice before any court within our bailiwick be licensed by the LNBA.

Having stated the importance of obtaining a license before practicing before our courts, this Court notes the appellant's concession to the soundness of the law quoted above and our analysis therefrom by not disputing that lawyers need to be licensed before practicing before any court in this Country. However, appellant has argued that the National Labor Court is barred from receiving new evidence and is bound to follow the records that were certified to it.

We agree with this contention of the appellant. Courts sitting in appellate jurisdiction are bound to review the records certified to it and not include or entertain new evidence in the said matter.

We are however not persuaded by the appellant's argument that by the National Labor Court entertaining the appellees' motion to strike on grounds that the petition filed before it was not filed by a licensed lawyer is taking new evidence and said action is wrong as the National Labor Court sit in appellate jurisdiction and can only review records certified to it and not take extra evidence and that the issue of a lawyer being unlicensed is a factual issue.

Firstly, courts are bound to take cognizance of the fundamental rules governing the practice of law within our jurisdiction as this goes to the very core of our practice. The National Labor Court, even though it sits in appellate jurisdiction, it retains the inherent authority as with any court to determine whether a matter is properly before it in full adherence to the fundamental rules governing our courts.

Moreover, the law imposes upon all judges a duty to conduct investigation into complaints alleging the unauthorized practice of law. Judiciary Law, Rev. Code 17:17.8.

So, it is the argument of the appellant that even if a non-lawyer files an action before a court and it is not challenged, the court should allow the action to stand. We find this reasoning wanting.

This Court has ruled that proceedings instituted by a person not qualified to practice law are abated. *Kanna v. Smith et al.*, 24 LLR 359, 364 (1975). Moreover, even a pleading of a lawyer whose license had expired has been declared by this Court to be of no legal effect. *Sesay v. Badio and Roberts*, 37 LLR 359 (1994).

Where it is established that the person who verified the complaint, purporting to be an attorney or a counsellor-at-law and participated in the trial, is not a licensed lawyer and therefore not qualified to practice law in Liberia, all pleadings filed by him and any judgment rendered thereon are of no legal validity and effect. *Sesay v. Badio, Roberts et al, supra*.

We also note the appellant's argument of subject matter jurisdiction doesn't suffice as the issue of subject matter jurisdiction is not applicable in the instant case; conversely, a pleading filed by an unlicensed person is a legal nullity and cannot invoke the jurisdiction of the court. *Kollie v. Kollie*, 41 LLR 569 (2003).

The question of whether pleading that was filed by a licensed attorney is not a factual matter arising from the administrative proceedings; it is a threshold legal issue that goes to the heart of the court's authority to entertain the matter. The National Labor Court, therefore, acted within its jurisdiction in addressing the motion to strike and dismissing it for jurisdictional defects as this Court has held that jurisdictional defects are not waived and may be raised at any stage of the proceedings.

Based upon the precedents cited and the explanation supra, we therefore hold and re-affirm that any pleading filed by a person who is not a licensed lawyer before a court has no legal validity and same shall and must be declared void ab initio by this Court or any other court within our jurisdiction.

The appellant has also argued that the pleadings filed by it was also signed by another lawyer who is a licensed lawyer, however, upon review of the said pleadings filed, it is clear that, even though Cllr. Emmanuel T. Reeves is included in the petition; the said petition was signed only by Cllr. Dunbar, who at the time was an unlicensed lawyer.

In view of the above, we hold that the said petition being filed by Cllr. Dunbar when he was not licensed to practice law before our courts, the same is hereby declared null and void and of no legal effect.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the National Labor Court is hereby affirmed. The petition for judicial review filed by the appellant before the National Labor Court is hereby declared null and void and of no legal effect. The Clerk of this Court is ordered to send a mandate to the court below commanding the judge therein to resume jurisdiction and give effect to this ruling. Costs are ruled against the appellant. IT IS HEREBY SO ORDERD.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR STEPHEN DUNBAR OF THE DUNBAR & DUNBAR LAW OFFICE APPEARED FOR THE APPELLANT. COUNSELLORS OTHELLO M. KRUAH AND PRINCE M. KRUAH OF THE HENRIES LAW FIRM APPEARED FOR THE APPELLEES.

Affirmed.