**OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.**

**CHIEF JUSTICE, SUPREME COURT OF LIBERIA**

**MARCH 14, 2016**

Madam President;

Mr. Speaker & Members of the House of Representatives;

My Colleagues of the Supreme Court Bench;

Ambassadors & Other Members of the Diplomatic Corps;

Mr. Minister of Justice/Attorney General & Dean of the Supreme Court Bar;

Circuit & Specialized Court Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Association of Female Lawyers;

The President & Members of the Association of Public Defenders;

Staff of the Judiciary;

Members of the Press;

Distinguished Ladies & Gentlemen:

On behalf of the Justices of the Supreme Court, the Judges of all subordinate courts, the support staff and the entire Judiciary and on my own behalf, I welcome you to the opening ceremony of the March Term, 2016, of the Supreme Court. We are required by law to convene on the second Mondays in March and October each year to commence the proceedings of this Court for the conduct of business. We thank God Almighty for the successful completion of the October Term, 2015. We pray for his continuous blessings and guidance as we begin this March Term.

From the onset, let me remind all law firms and counselors that the March Term is longer than the October Term. This means that all things being constant, more cases are heard and determined during the March Term of this Court. So, the opportunity is now for counselors to make timely requests for the assignments of their clients’ cases. Do not wait until the Term is about to end and when we are occupied with writing opinions in cases already heard before rushing to request for assignment(s).

Let me also remind and admonish law firms and counselors who have matters pending before the Supreme Court that we will continue to enforce the Rules of Court regarding the filing of briefs and the Court will not hesitate to impose the appropriate penalty where there are derelicts on the part of any lawyer in filing briefs. The delay in the filing of briefs impedes the disposition of cases pending before this Court and affects the parties’ access to speedy justice.

During the October Term, 2016, we heard and decided a total of 22 cases. Amongst them were the petitions of 66 attorneys who applied to be admitted as Counselors of the Supreme Court Bar. After hearing the various petitions, the names of 50 attorneys were passed upon and submitted to the Board of Examiners. Report from the examination committee revealed that 48 attorneys sat the examinations and 33 passed; the successful candidates were duly admitted to practice as Counselors-at-law. I see that a good number of the new counselors are making their debut appearance before us today. I am told that they were amongst the first to appear in Court this morning. We wish to welcome you into the ranks and files of the Supreme Court Bar. As you embark on the practice of law before this Court, we admonish you to always remember the oath you took - to demean yourself as respectable and honorable citizens, uphold the Constitution and statutory laws of Liberia and rules of all courts, do nothing to undermine the dignity, authority and integrity of the courts, preserve inviolate the secrets of your clients, abstain from offensive personalities and avoid connection or association with shady, dishonest or dishonorable transactions... I implore you to be true partners with us in the fair administration and dispensation of justice.

Amongst the cases decided during the October Term, also, were matters involving issues of ethical and professional misconduct of some judges. As we have done in the past, we again had the unpleasant duty of reprimanding three of our judges. Judge Yussif D. Kaba, Resident Circuit Judge of the 6th Judicial Circuit, Civil Law Court, Montserrado County, was suspended for one month, while Stipendiary Magistrate Earnest Flomo Bana of the Brewerville City Magistrate Court and Associate Magistrate T. Richard Brown of Grand Bassa County were suspended each, for 6 months for violation of various provisions of the judicial canons. As members of the same judicial family, it is always a difficult thing to discipline other members of the family. But this is necessary to maintain standard in the Judiciary and keep in clear sight the path of judicial direction. We hope that these disciplinary actions will serve as deterrents not only for those affected, but for all of us.

We thank the members of the Judicial Inquiry Commission and the Grievance & Ethics Committee for their tireless efforts in investigating complaints forwarded to them. These are two important entities in the Judiciary that keep judges and lawyers in check and balance. It is based on the findings and recommendations of these entities that the Supreme Court, after hearing from the affected judges or lawyers in open court, in line with the due process requirement of the law, enters final judgments in complaints of ethical and unprofessional misconducts made against judges and lawyers. But our actions have not been limited to only judges and lawyers. Whenever it comes to our attention that any person associated with the Judiciary has engaged in conduct that brings into question that sacred duty imposed upon us as the administrators of justice, we have felt the compelling need to take the appropriate actions.

My Colleagues, Members of the Bar, distinguished ladies and gentlemen, infrastructural development and human resource development remain two of the key priorities of the Judiciary. For the prime purpose of judicial independence, it is absolutely essential that the Judiciary be properly housed and in its own premises. It is in this regard that we embarked on the systematic construction and/ or renovation of judicial premises throughout the country since our incumbency. A number of judicial complexes and magistrate courts have already been built across the country, while others are in progress. The Government of Liberia has provided the bulk of the funding for the construction of these premises. Some donor agencies and friendly nations have also assisted in the process. We thank the Government and these development partners concerned for their support to the Judiciary.

Amongst the projects in progress is the judicial complex in Tubmanburg, Bomi County, which is nearing completion. The contractor has informed us that it will be completed and turned over to us before the end of this year. Also in progress is the construction of the 8th Judicial Circuit Court Complex in Sanniquellie, Nimba County. On November 20, 2015, Her Excellency the President of Liberia accepted our invitation and joined us at the ground breaking ceremony of that judicial complex. The project is well on course.

We are currently constructing a perimeter fence around the court house built in Barclayville, Grand Kru County. Thereafter, we will seek funding to build an annex to provide for other subordinate courts that were inadvertently left out. We will also seek funding to build residential quarters for the resident circuit judge and the assigned circuit judge. This will transform the facility into a real judicial complex.

Under the Regional Security Hub arrangements, work will soon begin on the construction of a judicial complex to house the 7th Judicial Circuit Court and other subordinate courts in Zwedru, Grand Gedeh County.

The Swedish Government, through the Justice and Security Trust Fund, has provided funds for the construction of four magistrate courts throughout the country. Construction works have now begun in selected magisterial districts in Montserrado, Bong, Lofa and Nimba Counties.

About three weeks ago, I visited Rivercess County, to inspect judicial facilities and hold discussions with judicial personnel and county officials. The 14th Judicial Circuit Court in Cestos City, Rivercess County, is operating from premises much less than suitable. Moreover, there are only two magistrate courts in the entire county. During my visit, justice actors lamented the distances that aggrieved persons have to travel to reach a magistrate court. This is seriously hampering access to justice for citizens and foreign nationals residing in that part of our country. We are holding discussions with relevant authorities so that they are informed and see the need for more magisterial districts and for more magistrate courts therein.

Concerning human resource development and capacity building in the Judiciary, a number of long term and short term training initiatives took place during the period under review. The People’s Republic of China, under a bilateral agreement with the Republic of Liberia, has again provided scholarships to two employees of the Judiciary to do post graduate studies in China for academic year 2016-2017. The process of selecting suitable candidates is underway. We recall that last year, three personnel of the Judiciary, George D. Johnson, Patience Dolo and Octavious Klah were recipients of scholarships from the People’s Republic of China. The three personnel are currently pursuing post graduate studies in information technology and networking, public finance and financial management respectively. Upon their return, they will be of access in the IT Section and Finance Section of the Judiciary.

Ten judges and six public defenders attended a workshop on Trafficking in Persons –Support through Trial Advocacy conducted for criminal justice actors by Lawyers Without Borders at the Cape Hotel in Monrovia from January 12-15, 2016.

His Honor Yamie Quiqui Gbeisay, Relieving Judge, attended a training workshop on Fishing Vessels Boarding Inspection, Rules & Procedures for Prosecution in West Africa in Abuja, Nigeria, from February 18-20, 2016. The workshop was conducted with support from the Economic Community of West African States (ECOWAS), African Union (AU) and the European Union (EU).

His Honor Kennedy Peabody, Stipendiary Magistrate, Monrovia City Court, participated in an Alternative Dispute Resolution study tour in the Republic of Ghana from October 25, 2015 to November 1, 2015.

Two Public Defenders, Attorney Lucrezia Thomas and Attorney S. Wonda Sonda, participated in a training workshop on Sexual Gender Based Violence conducted by the International Development Law Organization ( IDLO) at the Cape Hotel in Monrovia on February10, 2016.

The Arab Republic of Egypt has invited the Government of Liberia to participate in a training course for female judges in the field of combatting transnational crimes scheduled to be held from April 3-14, 2016, at the Court of Casstion, in Cairo, Egypt. We have nominated Her Honor Eva Mappy Morgan, Chief Judge of the Commercial Court and Her Honor Cieaneh Clinton-Johnson, Resident Judge of Criminal Court “E,” to attend the training course.

We have received an invitation to attend the Constitutive Assembly of the Committee on West African Jurists to be held in Abidjan, Republic of Cote d’Ivoire, from April 14-16, 2016. The meeting will bring together several participants from the 15- member states of the Economic Community of West Africa. Each state is to be represented at the Assembly by a judge, a law professor and a lawyer. We will send appropriate representations at the meeting.

Three days ago, the James A.A. Pierre Judicial Institute commenced what we call the Professional Magistrate Training Program (PMTP) that is expected to last for 13 months. Under the program, candidates, most of whom are college graduates (with the exception of eight sitting stipendiary magistrates), were recruited through aptitude test administered throughout the country. They will undergo intensive training for twelve months in courses specially designed for magistrates. On successfully completing the academic requirements, the candidates, again with the exception of the eight stipendiary magistrates, will be assigned to magistrate courts throughout the country to observe trial proceedings for a period of one month before graduation. Sixty persons graduating under the program will be employed and assigned as associate magistrates throughout the country. This will be the second Professional Magistrate Training Program to be conducted. The first program took place in 2009, during which 60 associate magistrates were also trained. The objective is to train and deploy the total of 300 persons as associate magistrates throughout the country. The program has proved to be very successful in enhancing knowledge of the law and performance of judges who man our courts of first instance. Funds for the current project were provided by the Swedish Government for which we are very grateful.

On February 3, 2016, the National Association of Trial Judges of Liberia dedicated a new three-bedroom guest house in Zwedru, Grand Gedeh County. We are informed that the facility is intended to accommodate judges and lawyers travelling to that part of the country. The dedication program which coincided with the first quarterly training of judges for 2016 also ushered in a new corps of officers of the Trial Judges Association. Mr. Justice Philip A.Z. Banks, III, represented us at the program. We thank the outgoing leadership and members of the Association, headed by His Honor James E. Jones, Debt Court Judge, Montserrado County, for the development initiative. We welcome the incoming administration headed by His Honor Rosevelt Z. Willie, Resident Circuit Judge, Criminal Court “A”.

After series of consultations with stakeholders, including the National Association of Trial Judges of Liberia, the Association of Female Lawyers of Liberia, the Liberian National Bar Association and others, the Supreme Court, sitting in its October Term, A.D.2015, established the Revised Schedule of Court Costs, Fees and Fines pursuant to Section 21.6.1 of the Financial Autonomy Act of February 16, 2006. The old fees under which we operated had become obsolete, outdated and of no relevance. Party litigants or their counsels are now required to pay the requisite fees into government revenue and produce receipts to appropriate court officials or functionaries. Plans are underway to conduct workshops to provide more information on the fees and fines.

My Colleagues, Members of the Bar, distinguished ladies and gentlemen, in a constitutional government such as ours, it is the duty of the courts to say what the law is. The Supreme Court, the constitutional Court, has the inherent authority, pursuant to its power of judicial review, to determine and declare whether or not an act is in consonance with the manifest tenor of the organic law—the Constitution. The enabling authority for this is found in Article 65 of the Constitution of Liberia (1986) which provides that “The judicial power of the Republic shall be vested in the Supreme Court and such subordinate courts as the Legislature may from time to time establish...” And Article 66 of the Constitution extends the judicial power to various cases and controversies. It provides in part that “The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases, whether emanating from courts of record, courts not of records, administrative agencies, autonomous agencies, or any other authority….”

 Section 2.9 of the Judiciary Law promulgated by the Legislature grants power to the Justice presiding in the Chambers of this Court to issue remedial and extraordinary writs. It provides: “Except as provided in paragraph 2 and as may be otherwise provided by statutes the power to issue remedial or extraordinary writs in exercise or aid of the appellate jurisdiction of the Supreme Court and to otherwise issue writs of *mandamus, prohibition, quo warranto* and other remedial or extraordinary writs and processes, shall reside exclusively in the Justice presiding in Chambers.” So, when a petition for a remedial writ is filed before the Justice presiding in the Chambers of this Court, that Justice is authorized to act on the petition. After according every attention to the claims made in the petition, including the pleas-in-law invoked, it is within the sound discretion of the Justice in Chambers to order the issuance of the alternative writ prayed for and, if deemed appropriate, to also order that the parties return to *status quo ante* pending the outcome of a conference, or pending the hearing and determination of the remedial writ.

A petition for a remedial writ may be legally filed by or against a government official or institution, private citizen, private or public institution, administrative agencies, autonomous agencies, or any other authority. The law on this is clear, lucid and unambiguous and cannot admit of extraneous circumstances. It is therefore no violation of the doctrine of separation of power, as some have argued, when a petition for remedial writ is entertained by a Justice in Chambers, whether against the Executive or Legislative Branch of the Government. Rather, we see the prerogative granted by law and exercised by the Justice in Chambers as adding value to the rights guaranteed by the Constitution which all of us, regardless of the branch of government we find ourselves in, have a sacred duty to uphold. Under the guidance of the Constitution, the Judiciary has the duty to protect not only the individual citizens and residents, but even the branches of the government, while still ensuring that the separation of the branches of the Government is maintained. In determining the contents of petitions brought before the Supreme Court for the issuance of remedial processes against the Executive or Legislative Branch of the Government, the Court has never questioned the wisdom of the action taken or decisions made by those branches of the Government. This Court, in ensuring that it always meticulously remained within the confines of the law, has expressly articulated in a number of cases that challenges which border on the wisdom or expediency of legislation are political in nature and within the prerogative of the people and not justiciable before the Court. Our sole purpose, in consonance with the Constitution, is and has always been to ensure that the decision or action is in line with due process of law. We make these comments in effort to put the issue in proper perspectives and to assure our unflinching commitment not only to abide by, but to “uphold, protect and defend” the doctrine of separation of power as provided for under Article 3 of the Constitution of Liberia.

We must comment on another growing issue of concern–the act of demonstrating on the premises of the courts. But first, let me be emphatically clear that as custodians of the law, we scrupulously and jealously adhere to the right to free speech and the right to assemble. These are guiding tenets of democracy enshrined in our Constitution which must be preserved at all times. In this regard, party litigants who come to the courts in pursuit of justice and even those who come just to witness court proceedings are always welcome. Over the years we have worked for the courts to remain non-aligned; to remain a sanctuary to which the injured and distressed, irrespective of color, creed, religion or political persuasion can seek justice. We have worked for the courts to continue to protect the liberty and freedom of all. It should be clear by now, judging from our many rulings, that the courts favor no particular person or institution, including the Government. The courts are only on the side of the law.

So, the courts should be left alone, as neutral bodies available to all, to do what they must do—dispense justice in accordance with the law. Demonstrating on the premises of the courts has a chilling effect on justice. This may affect the positions of judges, jurors and witnesses and thereby deprive the parties before the courts of the right to free and fair trial. The law requires judges, jurors and witnesses to listen to and examine the cases before them as they understand them from their certain knowledge independent of any outside influence or pressure. As we see it the spirit of an independent decision is seriously assailed when judicial actors are pressured and coerced. This may lead to extra judicial action.

Moreover, demonstrating on the court premises amidst clapping, jeering and booing disrupts the decorum and solemn proceedings of court. And if this is permitted to be done by one group supporting one party litigant, then it should be permitted for the opposing party litigant. The result would be chaotic; and justice cannot flourish in such unwholesome condition. Article 17 of the Constitution which provides for right to assemble expressly states that that right should be exercised “in an orderly and peaceful manner...” So, the right to assemble is not absolute. The very Constitution which provides for that right also places a caveat on its exercise. It says that the right to assemble should not be exercised in a manner that will violate the rights of others.

My Colleagues, Members of the Bar, distinguished ladies and gentlemen, during the period in review, we lost Counsellor Clarence L. Simpson, Jr., Former Associate Justice of the Supreme Court of Liberia, and Former Minister of Justice/Attorney General, Republic of Liberia. Counsellor Simpson served as Chairman of the Grievance and Ethics Committee & Secretary to the Judicial Inquiry Commission. Other dedicated members of the Judiciary who passed are:

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| No. | Name: |  Position:  | Assignment: | Date of Death  |
| 1. | Cllr. Macdonald KrakueHis Honor Robert S. Teah | Former Solicitor General/RLStipendiary Magistrate  | U.S.A.River Gee County | February 20, 2015October 14, 2015  |
| 3.4. | His Honor D. Fokay Nimene4. Hi His Honor James Slopaw | Stipendiary MagistrateAssociate Magistrate  | Grand Kru CountyRiver Gee County | February 29, 2016November 13, 2015 |
| 5. | His Honor Joseph K. Freeman | Associate Magistrate  | Margibi County | October 15, 2015 |
| 6. | Mr. Singbe G. F. Johnson | Director, Public Information | Temple of Justice | November 28, 2015 |
| 7. 8. | Mr. Robert BrohMr. Matthew Wleh | Deputy Director, TransportClerk of Court | Temple of Justice National Labor Court  | February 22, 2016October 15, 2015 |
| 9. | Mr. John D. Boimah, Sr. | Revenue Clerk | Bong Court | November 16, 2015 |
| 1011 | Ms. Martha D. RobertsMr. George Padmore | Assistant File ClerkBailiff | Criminal Court “D”Bensonville Traffic Court | January 25, 2016October 6, 2015 |
| 12 | Mr. Peter Nyahn Saye | Bailiff | Bushrod Island Mag. Court | December 21, 2015 |
| 13 | Mr. Winston Koon | Bailiff | Sinoe County | October 2, 2015 |
| 1415 | Mr. Sando DabeaMr. Victor Sonpon | BailiffCaretaker | Gbarpolu CountyTemple of Justice | January 27, 2016October 3, 2015 |

We pray for the eternal repose of the souls of these fallen judicial workers.

May God bless us all; bless the work of the Judiciary, and save the state.

I THANK YOU.