

**NOTES, PRESENTED BY PROFESSOR AND DEAN OF THE LOUIS  
ARTHUR GRIMES SCHOOL OF LAW, UNIVERSITY OF LIBERIA,  
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TO THE INTERNATIONAL ASSOCIATION OF LAW SCHOOLS  
CONFERENCE LEARNING FROM EACH OTHER: ENRICHING THE  
LAW SCHOOL CURRICULUM IN AN INTERRELATED WORLD  
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The question which we have been asked to address is: “The Three Most Important Features of My Country’s Legal System That Others Should Understand.”

While it is extremely difficult to select three (3) features of the Liberian Judicial (Legal) System that I would like for others to understand and further to adequately address such topics considering the restraint on the number of pages required, I shall endeavor to perform this task in as condensed and concise a manner as possible.

We shall briefly discuss the following three (3) areas:

1. The Structure of the Liberian State with particular emphasis on the Judicial System.
2. Select areas of Customary Laws vs. Statutory (Western) Law.
3. The requirement for admissibility to the practice of law in Liberia: The Role of the Louis Arthur Grimes School of Law, University of Liberia:

We shall discuss these features in the order in which they are listed above.

1. The Structure of the Liberian State with particular emphasis on the Judicial System.

Liberia is a Unitary Sovereign State established in the early 1800 which declared its independence as a Sovereign Republic in 1847, although never colonized in the real sense of the world as was done in the case of its neighbors and other African Countries.

The Government of Liberia is composed of three (3) separate coordinate Branches: the Legislative, Executive, and the Judiciary.

The Legislative Branch of Government is bi-cameral, consisting of the Upper House which is referred to as the Senate and the Lower House which is referred to as the House of Representatives.

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The Legislative Branch is headed by the Speaker of the House of Representative who is elected Speaker by his colleagues.

The House of Senate is headed by the President Pro Tempore. The Vice President, although a member of the Executive Branch, is the President of the Senate and served as its Presiding Officer.

Representation in the Lower House is based on the population while representation in the Senate is based on a fixed figure; two (2) Senators from each of the Fifteen (15) Counties. This Branch of Government is referred to as the First Branch of Government.

The Second Branch is the Executive Branch which is headed by the President, elected every six (6) years, along with a running mate the Vice President. The President is illegible for reelection only once. The Executive Branch is composed of various Agencies of Government whose responsibilities are to assist the President in the exercising of his/her functions.

The Third Branch of Government is the Judiciary or Judicial Branch headed by the Chief Justice who is nominated by the President to the Senate which confirms the individual who is later appointed and commission by the President.

The Judiciary is composed of a Supreme Court also headed by the Chief Justice and consists of Four (4) Associate Justices, who along with the Chief Justice hear cases on appeal from Lower Courts.

The Supreme Court of Liberia has original jurisdiction over constitutional matters and those matters involving ambassadors, ministers or cases in which a county is a party.

The next lever of courts are the Circuit Courts; there is one (1) Circuit Court in each of the Fifteen (15) Counties. These Courts are headed by Circuit Judges and the Courts sit in quarterly sessions. Judges are assigned on a rotational basis by the Chief Justice.

There are also certain specialized courts which handle particular types of cases, such as the Labour Court, Debt Court, Tax Court, Probate Court and the Juvenile Court, among others. There are also Magisterial and Justice of the Peace Courts which have limited jurisdictional authority and are Courts of first instance.

All Judges once nominated and confirmed by the Senate, where applicable, are then appointed and commissioned by the President and thereafter serve during good behaviour for life or until they shall reach the age of retirement. Judges may be removed only by impeachment presided over by the Legislature as prescribed by law.

## 2. Select areas of Customary Laws vs. Statutory (Western) Law.

There are two (2) bodies of laws under which Liberia operates; The Western Common Law System and the Customary System of Law.

The Statutory Law of Liberia is derived from the British Common Law and the United States of America legal precedent. Liberia has a reception statute which allowed for the adoption of laws from other jurisdictions, especially treaties and commentaries where there are no Liberian Law on a particular point.

Operating parallel with the Statutes are concepts derived from practice over the years commonly referred to as Customary Laws. This body of mostly unwritten laws is used primarily for the governance of ethnic population consisting of more than sixteen (16) groups.

There are two (2) areas under Customary Law that have been the subject of great debate, criticisms and even judicial interpretation. These areas are:

- a. Trial by Ordeals or Sassywood
- b. Age of Consent for the purpose of marriage and the right of wives under customary law to inherit from their deceased husbands.

a. Trial by ordeals or sassywood is an unscientific method, according to western standards, where a person accused of the commission of a crime or other offense is subjected to physical examination by either ingesting a substance or by placing a hot cutlass or machete on the legs of all persons suspected of having committed the crime to determine the guilty or innocence of the accused. The belief is that the person who committed the crime would be burned in the case of use of the machete or severely ill or even die in the case of the ingestion of the substance and the innocence would go unharmed.

This method of trial although declared illegal by the Supreme Court, is still being practiced in certain areas of Liberia. The problem with ensuring the total abolition of this practice is the lack of capacity of the Executive Branch to enforce the Supreme Court Decisions.

b. Women in Liberia married under Customary Law prior to 2003, were considered part of the chattels of their husbands and upon the husband's death were distributed among his male relatives in the same manner as assets while women married under the common law system were allowed to inherit from their deceased husbands. In fact, the age of consent under customary marriage was twelve years while in the urban areas the age of consent was sixteen years.

In 2003, through instrumentality of the Female Lawyers Association the Legislature enacted a law granting to women married under Customary Law the right to inherit from their deceased husbands and increasing the age of consent to eighteen years for all women in Liberia thereby harmonizing this aspect of the law relating to women rights.

3. The requirements for admissibility to the practice law in Liberia: The Role of the Louis Arthur Grimes School of Law, University of Liberia:

Under Liberian Law only citizens may be admitted to the Bar. Prior to 1972, individuals who had undertaken apprenticeship training in the law were admitted as attorneys-at-law after successfully passing a Bar Examination. In 1972, twenty (20) years after the establishment of the Louis Arthur Grimes School of Law, the apprenticeship system was abolished and anyone desirous of becoming a lawyer had to graduate from either the Louis Arthur Grimes School of Law, the only law school in Liberia, or a recognized law school in another jurisdiction. This requirement is still enforced today.

The Law School operates on a three (3) year program/ scheduled which leads to the Bachelor of Laws, Degree (LLB). Upon graduation from our Law School, the only law school in Liberia, a graduate is admitted to the Bar as attorney-at-law and after three (3) years of practice may petition the Supreme Court to become a counsellor-at-law and upon successfully passing the test is admitted to the Supreme Court Bar. The only distinction between a counsellor and an attorney is that only counsellors -at-law are allowed to practice before the Supreme Court.

These are highlights of areas of the Liberian Law which I feel should be of interest to this conference and will be delighted to expound to them should the need arise and the opportunity be granted me.