

Remarks
By Her Excellency President Ellen Johnson Sirleaf
At the Commissioning Ceremony of
Cllr. Philip A. Z. Banks, III
Associate Justice of the Supreme Court of Liberia
And Judges of the Commercial Court of Liberia
Friday, September 2, 2011

Distinguished Ladies and Gentlemen:

As enshrined in the Constitution of the Republic, the Judicial Branch is the third of the equal and co-ordinate Branches of Government. It has the responsibility of judging matters properly brought before the courts by disputing parties. It has the responsibility of interpreting the Constitution and laws. It also has the responsibility to ensuring from the judgments it makes that all persons who have complaints may obtain appropriate redress or relief.

The Courts are the true guardians of our democracy. The fairness and wisdom of their decisions help ensure peace and stability.

The highest level of personal, professional, and intellectual integrity is required of all involved in the judicial process. In effect, they are required to judge disputes “with clean hands”. That applies especially to the judges; but all participants in the process must strive to meet these standards. That means the lawyers, who by virtue of their oaths are officers of the court; the clerks, the marshals, the sheriffs, the bailiffs, and the jurors, who are chosen from our communities to judge the facts presented by disputing parties.

On their shoulders, on all your shoulders, rest the hopes and expectations of those whose matters are brought before you.

Admittedly, much is required to strengthen our national institutions, including the Judiciary. We must not shirk from this colossal responsibility. We must not relent in our efforts to build the requisite capacity to meet the challenges.

Since this administration began, we have worked closely with the Judiciary and the Legislature to enhance the level of support for our judicial institutions. We have arranged for the renovation of the Temple of Justice; built modern courthouses not only in Monrovia but in several counties; established the Judicial Institute, provided law books and other legal research material; established the Law Reform Commission to compile, harmonize, systemize, and modernize our laws; enhanced the capacity of prosecutors in the counties; and activated specialized courts. We have upheld their rights to full financial autonomy.

Last year, in consonance with my submission, the Legislature enacted into law a modern Commercial Code and an Act to establish the Nation's first ever exclusively Commercial Court. It is intended that with the new Code and Court in place, the huge backlog of cases based on financial and commercial disputes will be reduced and confidence in doing business in our Country will be enhanced. Financial institutions and commercial

enterprises will increase lending and expand business opportunities with a level of comfort knowing that their investments are more properly secured. This is a milestone in our development efforts. I commend the Central Bank of Liberia for its role in this process and offer thanks to our international partners, especially the International Finance Corporation of the World Bank Group for its assistance in this matter.

The National Legislature now has before it a Bill that would reform critical elements of the jury system. The jury system, which is provided for in the Constitution, is designed to have citizens bring their goodwill, their common experiences and their good senses to bear on the facts of disputes. It has been in existence since the beginning of the Republic. But the jury system has come under abuse by unscrupulous members of our society. So, through this Bill we are seeking to transform it to make it more effective. I urge the Legislature to enact this Bill into law as quickly as possible as this will become a part of their legacy for improving that element of our justice system.

I now come to the most important task at hand.

Today, I perform one of the most important functions of a President: That of administering the Oath of office to a Justice of the Supreme Court of Liberia – the Nation’s highest Court, the Court of last resort. I will also commission a Chief Judge and two Associate Judges of the new Commercial Court.

In the exercise of the nominating and appointing powers vested in me by the Constitution, I reflected deeply and reviewed closely the record of the many lawyers eligible for appointment to the bench of our highest court. I concluded without reservation that Counselor Philip A. Z. Banks, III is the right person to fill the seat vacated by Mrs. Justice Gladys Johnson, who, in keeping with the Constitution, retired at the age of seventy.

Counselor Banks carries with him to the Supreme Court a record of exceptional experience as a practicing lawyer, public servant, and legal scholar. He has been practicing and teaching law for more than three decades since graduating Magna cum Laude from the Louis Arthur Grimes School of Law at the University of Liberia and from the Yale Law School in the United States of America. He has twice served as Minister of Justice, has served as acting Dean of the University of Liberia's Law School, has been a consultant for national and international institutions on legal matters including the Governance Commission and the African Development Bank. Most recently he served as the pioneer chairperson of the Law Reform Commission. Counselor Banks has written extensively on Liberian law. He has authored and edited many books, including the authoritative three-volume treatise on Liberian corporate laws, the compilation and annotation of the Liberian statutes, and the reports of the Supreme Court. He has written numerous legal articles, including articles on the role of the judiciary in African countries and on the legal systems of Egypt and of Nigeria.

I have no doubt that Mr. Justice Banks will carry to the Supreme Court that legal erudition coupled with the high integrity, commitment and dedication to fairness that the Nation's highest Judicial Office demands and that he will leave a legacy of which we will all be proud.

On the suggestion of the National Bar Association, I also will be commissioning Counselor Eva Mae Mappy Morgan, Counselor Richard S. Klah, and Counselor Chan Chan Paygar as chief judge and associate judges, respectively, of the new Commercial Court.

I trust that all who work in the Judicial Branch will join the new Justice and the new judges in rendering justice "without fear or favor".

Thank you and Congratulations.