

Is the legal profession in ICU?

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Just few weeks ago, I had a chat with a colleague in the front corridor of the court. In our usual exasperation about the current justice system, I opined that the legal profession was in crisis; but he said that much more than a crisis, the legal profession was in intensive care unit (ICU). We laughed about it but it lingered on in my mind and has triggered this piece of writing!

So, ten years this month I was called to the Sierra Leone Bar. As usual, reflecting on the hopes and excitement which beamed our green faces on that Saturday night when we were admitted as lawyers, I could safely say that that fervor is wasting away. I will endeavor to enumerate ten instances in the last half a decade which in aggregate would show that the legal profession is hugely crisis-laden:

1. **Called and un-called:** Some ten years ago, less than forty of us were admitted into the law School with about one-third of that number being foreign students. Unless I'm mistaken, the 2012/2013 academic year witnessed the first leap in the number of students admitted into the law school (above 100 students). That year, the law school certified some students as having passed the Bar Final Examinations only to withdraw their certificates few months later after some internal investigations were conducted prompted by allegations of myriad of anomalies. The Bar Final Certificates of some of the students who were already called to the Bar were withdrawn without any opportunity of a non-judicial appeal. A friend of mine who was first certified by the Council of Legal Education as having aced the Bar Final exams that year was also affected (personally, she is one of the most intelligent and respected female junior colleagues). This was perhaps the genesis of the huge embarrassment which has saddled the Law School to date.
2. **Prosecution of the Registrar of the law School:** In 2014, the former registrar of the Law School was indicted and prosecuted by the ACC in relation to his work at the Law School. This was much more than an indictment of one-man, it was an indictment of the rites of passage into the legal profession. Sadly, the legal profession without batting an eyelid, merely replaced him without any institutional probing as if the issues were personal and not institutional.

3. **Infamous Sam-Sumana decision:** In 2015, our nation's democracy was given the finger when the vice-president was removed from office. An extra-ordinary general meeting of the Bar Association was convened to take a corporate position on the illegality or otherwise of the then president's decision. My friend at the helm of the ACC and I stood shoulder-to-shoulder in resistance against the denial by the leadership of the Bar association then to heed to the plurality of condemnation of the act of the former President. But alas, with the aid of abuse of state security, they prevailed. The Supreme Court failed in that case to hew out a new constitutional decorum in our democracy. As an officer of the court I respect the decision of the Supreme Court as the extant case-law but disagree with the reasoning. Before long that singular judicial decision is emboldening executive overreach of power and has drained off the last ounce of confidence in the judiciary.
4. **Refusal of admission of some law graduates into the law School:** In 2013, some students were denied admission into the law school on the basis that they flunked one of the core modules prescribed by the law school. The drawbacks of the policy were that it was firstly never approved by Parliament by way of Constitutional Instrument and secondly, the law graduates in 2013/2014 were never pre-notified of such policy. What they knew the policy to be was that their law degrees should be honours and at least a third-class. These group of law graduates to date have been denied admission into the law school by virtue of an arbitrary application of the said policy.
5. **Examination malpractices at the law department at FBC:** In recent years, the number of law graduates with high-flying grades caught the attention of the general public. While this should be good news, the grades were however mired in so many allegations of indecorous academic conduct. Just a little over a year ago, the Anti-Corruption Commission (ACC) indicted the former head of the law department who was later convicted for conferring an advantage on some students. This individual might have been convicted for specific instances, but rumours of massive grade donations by some lecturers in cahoots with the exams department at FBC have plagued the legal education and is rendering law degrees very unprestigious nowadays.
6. **Re-call of degree certificates:** Following the conviction of the former head of department of the law school, two female law graduates—one of whom is already admitted to practise law—were asked by the University of Sierra Leone

to surrender their degree certificates by reason only of the fact that their names were mentioned as having benefitted in some way from the illegality perpetuated by the convicted former head of the law department. This incident without attempting to rifle through the legality of the said re-call of certificates has also mortified legal education and by extension the legal profession in Sierra Leone.

7. **Non-assignment of constitutional suits and petitions:** On 4th January, this year, the Bar Association filed an application seeking certain declarations in regard the constitutionality of the ongoing commissions of enquiry. The action like the mandamus application it engendered has not been listed for hearing till date. The right to be heard in court being the cornerstone of all fundamental legal rights enshrined in our Constitution is being denied the Bar Association in the most important constitutional matter since the current government was elected into office. Similarly, the hearing of the appeals from the petitions by the removed opposition Members of Parliament have gone beyond the time prescribed in the Constitution. In the words of one of Sierra Leone's best legal minds of all times, Dr. Abdulai Conteh, such failure to list the appeals for hearing is a "shame and blot" on the judiciary and "betokens grave absence of respect for the Rule of Law and or its breakdown"
8. **Massive failures at the law school:** Few weeks ago, the law school published its Bar Final Examinations result. Of the 179 who took the exams, only 29 passed. Sources close to the current administration of the Law School vouchsafed that the enormous failures are as a result of the many measures introduced by the Council of Legal Education (Council) and the administration to rid the Bar Examinations of the rising tide of malpractices which had smudged it in recent years. While this year's results might have shown on the one hand the poor quality of students admitted into the law School, it should also nudge Council to review the curriculum of the law School and bring teaching methods up to speed with modern legal education.
9. **Chief Justice's unilateral permission for disqualified law students to take reference examinations:** By a notice signed under his hand on 2nd October 2019, the Hon. Chief Justice unilaterally notified students who had been disqualified by virtue of the Council's policy on the maximum of three attempts to write the Bar Examinations, to disregard the letters issued them by the school authorities and proceed to write the reference exams. One of Sierra Leone's leading lawyer, Yada Williams esq., in a letter posted on social media

characterized the act of the Chief Justice as “*a brazen attempt to subvert the authority of Council*”. This unilateral act by the Chief Justice which was never sanctioned by Council shows that there are serious troubles brewing at the very zenith of the legal profession.

10. Removal of the Acting Director by the AG: In a letter dated 16th October 2019, the Attorney-General requested the Acting Director of the Law School, Ms. Pamela Davies to proceed on leave with immediate effect. Since it was a request, the acting Director brooked not a moment’s delay in replying the Attorney General and stating to her that she being only a member of Council did not have any authority to make the said request. The Bar Association, by a letter dated 17th October 2019 and addressed to the Chief Justice, raised eyebrows in regard both the unilateral actions of the latter and the Attorney General and urged safeguards against the “dignity, respect and nobility of the Legal Profession”. Clearly the daggers of these two senior ladies of the legal profession are already drawn.

The ten instances *supra* (which are by no means exhaustive) have shown that the edges around the legal profession are starting to, if not already coming apart. The duel between and face-off amongst the highest judicial officers and members of the profession portend a further corrosive effect on the rule of law and administration of justice. If the Attorney General who doubles as Minister of Justice and the Chief Justice who is the head of the judicial lever of the state could court controversies which many renowned jurists say are nothing but violations in broad-daylight, it indicates that the legal profession is in serious judicial crisis. Analogically, the legal profession seems confined in an intensive care unit and needs more than a mere administration of just Panadol, Aspirin or painkillers.

These instances over the last half a decade should prompt a thorough and comprehensive investigation into legal education and the legal profession as a whole. It behooves the Bar and the Bench to join forces and cooperate on developing an immediate blueprint for restoring the health and sanity of the legal education and the legal profession. Until then, let the tubes continue to hang and let justice be fed through its nose.

About the author:

Augustine Sorie-sengbe Marrah is a lawyer, leading human right practitioner, democracy enthusiast and a rule of law activist. He is regarded

by many as an anti-establishmentarian, a constructive social deviant and a dogged non-conformist to the political sterility of the day.