

**REST IN PEACE: DISCIPLINARY COMMITTEE FOR LEGAL PRACTITIONERS**

**Augustine Sorie-sengbe Marrah esq.**

Death is a natural phenomenon in the land of the living. In Sierra Leone, poverty, whether orchestrated by the greed of few or inflicted by the slothfulness of many, has largely caused death to be commonplace. About half a century ago (*I was told*), death was a rarity and its solemnity, uncompromised. Some school of thought however argue that the visibility of death or the dying has just been amplified by population growth and the concurrent devices of technology. But wherever one stands on that debate, surely no one can gainsay the alarming currency of the incidents of death in our society. It also seems that the corresponding rapidity of demise of juristic or corporate persons is in fierce competition with natural persons in Sierra Leone. While death of natural persons is customarily mourned, the demise of many an institution or entity either escapes the grasp of society's attention or is celebrated in muted silence. One such institution is the Disciplinary Committee for Legal Practitioners which doesn't require any medico-scientific detection to prove it is braindead (I will explain this later). Before revealing the autopsy details, let me attempt a tribute of the birth and life or the pretence of it of this institution.

The General Legal Council (GLC) is the statutory body mandated to admit and enrol persons to practise law in Sierra Leone. It is also charged with the exclusive responsibility to regulate legal practice. Inherent in its regulation of legal practice is its power to discipline lawyers plying their trade in Sierra Leone. Pursuant to this role, the governing statute of legal practice in Sierra Leone, the Legal Practitioners Act 2000 (as amended) by section 6, established the Disciplinary Committee of the General Legal Council. Despite being an adjunct to the General Legal Council, three of the five-man membership of the Disciplinary Committee are fielded by the Sierra Leone Bar Association and the fourth is a representative of the Attorney-General. The Chief Justice is authorised by the said legislation to

appoint the chairman of the committee who should be a judge of the superior court of judicature. Therefore, the Disciplinary Committee, even though being an auxiliary to the GLC, by such membership composition, is assured a constitutive independence. However, the Disciplinary Committee lacks punitive powers. By section 36 of the LPA 2000 (as amended by the Legal Practitioners Act (Amendment) Act 2004) it can only hold an inquiry into a disciplinary matter and submit its finding(s) and recommendation(s) to the GLC. Worthy of note that, the list of disciplinary measures that could be taken against a legal practitioner is palpably incapable of rendering justice to the ranging nature and severity of complaints against legal practitioners in recent times. (*The gravity and increasing frequency, I got to know while I was Secretary of both the GLC and the Disciplinary Committee between 2014 and 2016*). The GLC is not bound to implement, whether *ipsissima verba* or not, the committee's recommendation or any portions of it at all. So even before the Disciplinary Committee was birthed, its destiny was predetermined to be perpetually stunted by the aggregate of the apparently tenuous relationship between itself and Council and its inability to punish legal practitioners who violate the Code of Conduct Rules for Legal Practitioners (2010).

Granted that the Disciplinary Committee cannot directly hurt any legal practitioner, but better a living dog that can bark but not bite than a dead tiger. The rumours of professional misdeeds within the legal profession are in constant escalation. Little wonder that the public opinion on lawyers and the justice system in recent years is like a sworn enemy of compliment. Complaints ranging from negligent conduct or handling of matters by legal practitioners; to rampancy of non-attendance of legal practitioners in court to conduct cases for which they were briefed and paid; to the growing courtesy between the bar and the bench and the declining comportment of legal practitioners towards their clients and litigants in general; have become all too numerous. Perhaps, almost now unseating the image of the

characteristic professional etiquette of legal luminaries. Recently, reports of legal practitioners detained at the Criminal Investigations Department were awash in public spheres. In spite of all of these, the Disciplinary Committee has been ensconced in an indefinite vacation from work paying no attention or heed to these all too recurrent and perturbing allegations of misconduct on the part of some legal practitioners. These intolerable omissions on the part of the Disciplinary Committee merely lend credence to its functional death and insignificance in bringing legal practitioners to answer to criminal allegations nowadays. Like every society and assemblage of humans, there are those who would definitely ignore the prescription of the codes which regulate their conduct. For this reason, the Disciplinary Committee was erected to provide a continuous assurance to the sum total clientele of legal practitioners that should they cross the lines prescribed by the Code of Conduct, there would not be any impunity. Despite its statutory imperfections, an efficiently functional Disciplinary Committee would serve to curb the excesses of legal practitioners while also altering the prevalent notions and narratives of growing professional misdemeanours within the legal compass. One might very well conjecture that this suicidal brain-death of the Disciplinary Committee has a direct bearing on the rising spate of professional misconduct on the part of some legal practitioners. One doesn't need the brain of an aeronaut nor the academic credentials of a sociologist to guess it right. Sadly, the death of the Disciplinary Committee is known, at least in fact, to both the bench and the bar. But unlike legal practitioners (some of whom were the very perpetrators of professional misconduct) in honour of whom tributary sessions are ceremoniously held to celebrate their life and practice, the Disciplinary Committee's death is only murmured loudly in corridors and has become a frequent subject of banters by lawyers. Meanwhile, only nonchalant lip services are paid to professional misconduct—a very huge contributor to the dimming glamour of a once enviable profession.

The current Disciplinary Committee entity as constituted, judging from performance, is braindead. I choose brain-death because in many jurisdictions across the world, brain-death is now increasingly employed as a legal determinant for death. The Disciplinary Committee established to inquire into disciplinary matters filed before it is swallowed up in devoted absenteeism. By not performing its statutory functions, it has become functionally dead hence my choice of suicidal brain-death to describe its decease. Unlike the recalcitrant Jonah in the Bible story who was spewed out by the fish after three days, it seems the Disciplinary Committee is swallowed up into the cruel belly of death itself and cannot be regurgitated except by a mighty hand of miracle. The brain-death of the Disciplinary Committee means that litigants and the general public have been deserted at the mercy feet of recalcitrant legal practitioners. And so, the Disciplinary Committee has just granted unending permit to the feast on the unsuspecting public. Only those guided by religious and moral precepts have declined to join in the banquet. Meanwhile, the epitaph is still being drafted to read:

***“Rest in peace: Disciplinary committee for legal practitioners in Sierra Leone. To whom much was given and much expected, much more was abdicated and omitted. Rest in the same restless peace as do those who await your justice in resurrection.”***

***DISCLAIMER:***

***THIS PIECE IS NOT INTENDED TO SPITE ANY MEMBER OF THE CURRENT DISCIPLINARY COMMITTEE, SINGLY OR COLLECTIVELY, AS DULY CONSTITUTED. IT IS ONLY A LITERARY SATIRE INTENDED, IN WHOLE OR PART, TO RIDICULE THE STATE OF AFFAIRS OF THE DISCIPLINARY COMMITTEE AND HOPEFULLY, STIMULATE EFFECTIVE AND EFFICIENT DISCHARGE OF ITS DUTIES.***