

**THE NATIONAL ASSOCIATION OF TRIAL JUDGES OF LIBERIA (NATJL)
RESPONSE TO THE SECOND STUDY COMMISSION
QUESTIONARE 2024**

Civil Law and Procedure

THE LIBERIAN JUDICIARY HAS TWO BASIC SYSTEMS OF COURTS' JURISDICTIONS FOR THE AJUDICATION OF CASES. THEY ARE:

1. COURTS OF RECORDS AND
2. COURTS NOT OF RECORDS

The Courts of Records are basically, The Honorable Supreme Court, the Circuit Courts and other specialized Courts; while the Courts Not of Records are the Justice of the Peace Courts and the Magistrate Courts.

All written submissions/pleadings are filed in the Courts of Records. Written submissions/pleadings in the Justice of the Peace and Magistrate Courts are not necessarily a requirement.

Therefore, our answers are restricted to the Courts of Records, especially, the Circuit Courts and other Specialized Courts. The Supreme Court is mostly an appellate review court and henceforth, does not receive direct written submissions except in the cases of remedial processes and appeals.

THE SECOND STUDY COMMISSION QUESTIONARE 2024

1. ARE THERE LIMITS FOR WRITTEN SUBMISSIONS IN CIVIL LITIGATIONS IN YOUR JURISDICTION IN TERMS OF THE MAXIMUM LENGTH?

ANSWER:

There are no maximum length as regards to number of pages. However, there are statutory time limits to file written submissions/pleadings in civil litigations.

2. ARE THERE TIME LIMITS FOR FILING WRITTEN SUBMISSIONS?

ANSWER:

Yes, there are time limits for filing written submissions. Plaintiff(s) have fifteen (15) days to file a Complaint before the commencement of a Term of Court.

The defendant(s) have ten (10) days to respond to the Plaintiff's complaint and then, the Plaintiff (s) has ten (10) days to reply to the defendant's response.¹

The courts of records outside Montserrado County and the Criminal Courts of Montserrado County referred to as Criminal Assizes A, B, C & D, have quarterly terms of court as follows; the Second Mondays in February, May, August and November, respectively. While the Civil Law Court of the Sixth Judicial Circuit Court for Montserrado County quarterly term starts on the third Monday in March, June, September and December, respectively.

3. ARE THERE LIMITS IN TERMS OF A MAXIMUM NUMBER OF ADDITIONAL SUBMISSIONS IN A CASE?

ANSWER:

There are no limits in terms of a maximum number of additional submissions in a case. However, additional submissions may be granted in either i. "Amended Pleading" (Submission) which should be within the time allotted in the answer in question #2 or ii. In the case of "Newly Discovered Evidence", submissions are to be "at any time before the case is submitted to the court or jury".

4. ARE THERE RULES, INCLUDING PENALTIES OR COST IMPLICATIONS, FOR BREACHES OF THESE REQUIREMENTS?

ANSWER:

Yes. "The failure to commence an action within specified by law, shall constitute a defense to the action, which shall be pleaded affirmatively in the answer or reply as required by law.

If the defendant Answer/Response is not filed within the ten days period allowed, the defendant is ruled on bare denial. In such a case, he/she can only produce general evidence but cannot raise any affirmative defenses.

For amended submissions, the following are required: "(a) Withdrawing [the first submission] and any subsequent pleading; (b) paying all costs incurred by the opposing party in filing and serving pleadings (submissions) subsequent to the withdrawn pleading; and (c) Substituting an amended pleading".²

¹ CIVIL PROCEDURE LAW, CHAPTER 9, SECTION 9.2 COUNT 3, VOL. 1 LIBERIA CODE OF LAWS REVISED

² CIVIL PROCEDURE LAW, CHAPTER 9, SECTION 9.10, COUNT 1, TITLE 1, LIBERIA CODE OF LAWS REVISED

5. ARE THESE LIMITS OR REQUIREMENTS EFFECTIVE IN TERMS OF REDUCING THE NUMBER AND LENGTH OF WRITTEN SUBMISSION AND THE TIME SPENT PREPARING FOR AND DETERMINING A CASE?

ANSWER:

These requirements are effective for timely litigations. For instance, all pleadings/submissions shall be in writing and each averment of a pleading shall be simple, concise, and direct. No technical forms of pleading are required.

All averments of claim or defense shall be made in numbered paragraphs. Each paragraph shall be limited as far as practicable to a single set of circumstances.³

6. WHAT IS THE EFFECT OF WRITTEN SUBMISSIONS ON ANY HEARING WHICH SUBSEQUENTLY TAKES PLACE?

ANSWER:

Written submissions filed within the statutory limits by all parties set the stage for the trial to commence; firstly by the deposition of all relevant laws issues raised as pretrial motions in the respective submissions/pleadings. Additionally, written submissions served as guide to the court and the party litigants (lawyers) to indicate how to proceed with the trial.

7. COMMENTS OR SUGGESTIONS AS TO WHAT COULD OTHERWISE PROVE TO BE EFFECTIVE:

ANSWER:

- a. That written submissions be limited to specific number of pages.
- b. That additional submissions should be limited to only one time, and
- c. Encourage Artificial Intelligent (AI) technology, such as the internet, to file in written submissions.

³ CIVIL PROCEDURE LAW, CHAPTER 9 SECTIONS 9.3 COUNTS 1-3 TITLE 1 LIBERIA CODE OF LAW REVISED