

FIRST FACT FINDING MISSION TO LIBERIA:

A TRIP REPORT

Recently, conversations with a program officer from the UN Office on Drugs and Crime resulted in the opportunity to prepare a two pronged training program in Liberia. The first prong, to be spearheaded by Professor Speedy Rice from the Washington and Lee School of Law would focus on preparing a program to train paralegals to inform defendants of their rights in holding facilities both in Monrovia and in the 14 rural counties that comprise Liberia. The second prong of the training would utilize the resources of the National Association of Criminal Defense Lawyers, of which I am the co-chair of the International Affairs committee, and would focus on training criminal defense lawyers in Liberia. Having practiced as a criminal defense attorney for 25 years, started a major urban public defender's office, devised training programs and delivered training to lawyers around the world concerning practice in the newly formed international criminal tribunals and having taught trial advocacy at a Cardozo School of Law in New York City for five years, I thought I might well be able to deliver what the UN program officer sought. It was agreed that the first step in this plan would be to visit Liberia, meet the various stake holders and understand, from their perspective what the training objectives might be.

I had no difficulty with connections getting to Liberia. There was some predictable delay leaving JFK due to rain but we made up the time on the way to Amsterdam . I met a missionary couple on the flight to Brussels. He is developing a door construction

business. They will ship the Liberian made wooden doors back to Indiana where they will be sold in the Missionary's construction supply business. Not sure of the spiritual potential for the work but the profit does seem to be enormous...

I arrived at Monrovia alone at about 6:00 p.m. The rest of our group, Speedy Rice and four students from Washington and Lee Law School were not due to arrive until much later, about 3:30 A.M.. Egrets speckled the grass around the runway. The smell of charred wood wafted on the humid evening air. It was very warm...maybe 85 or 90 and very humid. There was a typically tropical look to the setting complete with palm trees. I was met by a UN travel official holding my name on a printed placard. She escorted me through customs and told me where to stand. It was a fairly disorganized affair with everyone from the flight cramming around four small wooden tables where immigration officers furiously stamped passports and looked seriously at immigration documents, though not with any apparent comprehension. When they got to my document they were confused by the fact that it indicated that I was staying at the Episcopal Guest House. They asked, "What business do you have there?" I answered, "It is where I am sleeping." And that seemed to satisfy them.

English is the primary language in Liberia. But there are over 20 other indigenous languages spoken and many people pepper their English with localisms which results in some significant loss of intelligibility to an American ear.

The UN transportation official directed me from the immigration table to the rocky cleared area which serves as the parking lot for the airport. As I stood there, already sweat drenched, 90 degrees in my New York Polartec fleece... I was approached by a driver wanting to drive me into town... seemed just like being back in NYC. I told him I already had a ride and he responded that I shouldn't get angry with him. He said George Bush, during his recent visit, had said that we should all change and be friendly with each other. I explained that I had no anger towards him and that I hoped that soon, change would come to America as well. He smiled and said, "Change with Obama". We both laughed and he left to find someone who actually needed a ride. After about 20 minutes my UN official directed me to a waiting UN bus on which I was instructed to sit... which was fine since it was nicely air conditioned. As soon as I got on, the driver got off to "go find the other passengers." I told him I was arriving alone and he insisted on looking for 45 minutes, during which time I watched the sky darken, the egrets pecking the ground and the parking lot emptying. When he came back he let me know that I was the only passenger and he asked how to get the Episcopal Guest House. I told him I only knew that it was on 15th street in Sinkor. He asked me "which side" which meant nothing to me and so I looked blankly at him and we started off. The driver and I spoke on and off along the ride. He chatted on his cell phone and spent some time reporting in on the UN radio, without any success though, since there was no indication that anyone had received his transmission. He ended his last transmission effort with the official sounding transmission, "This is Tiger, Indigo, Three, signing off, no communication having been achieved."

The drive in from the airport was along a very potholed road. On each side were cinder block shacks, some plywood wooden shacks and some corrugated metal shacks, most with a piece of fabric for the door. None had electricity but some had small fires burning in the front by the road. Many people were walking along the sides of the road. Many women carried loads balanced on their heads, some couples walked hand in hand, parents and small children walked along the ruts by the side of the road. From time to time we passed large termite mounds, which look like large conical piles of dribbled sand whose cones reach up 6-8 feet. Driving in Liberia involves an enormous amount of light flashing and horn honking. Lights routinely flash when someone is coming towards you as does some horn honking. You honk when you are going to pass someone, as you do while passing them and after you have passed them. Lane markings are mere suggestions, which are often ignored entirely. There are no working traffic lights. The appropriate response to people crossing in front is to flash the lights and honk the horn. Bill boards along the way mostly announced cell phone companies especially LoneStar, Charles Taylor's company, which has paid over 8 million dollars to Mr. Taylor's business associates between 2004 and 2006.¹ One non-cell phone billboard in particular caught my attention. It depicted a clothed man lying atop a woman, evidently raping her. There was an "x" across the two bodies and instructions for rape victims to call a phone number for information about available help.

¹ In their latest report, the UN Panel of Experts unveiled what amounts to a conspiracy. It said: "The business associates of Charles Taylor, Benoni Urey and Emmanuel Shaw II are using proxies to represent their company (PLC) on the Board of Directors of Lone Star. More than \$8 million has been paid to PLC in 2004-06 by Lone star. The Panel, which conducted assessments in West Africa and elsewhere between February and June, 2007 discovered that Mr. Taylor may have substantial hidden assets in Liberia and Nigeria, and that he retained ties to a large Liberian cell phone company."

We drove along the road for nearly an hour and I learned that the driver had six kids and “many grandchildren.” When he learned that I had four children and no grandchildren, he asked what was wrong... I merely explained that I was waiting for that as well. The only real development along the entire ride in from the airport was a military base which was lit up and surrounded by high walls and barbed wire. There were several bill boards touting the recent visit of George Bush, though I was informed that George did not actually see them since he helicoptored from the airport to the presidential palace. Once into Monrovia, the numbers of people on the street increased dramatically as did the volume of the traffic, honking and light flashing. At the intersection of the coast road from the airport with the main road into Monrovia, there were hundreds of people standing around, just socializing. Little shacks sold candy, water and beer. But mostly people seemed to merely congregate. Reminded me alot of Rodriguez Park at 155th and Riverside in New York.

The driver found 15th street easily enough and stopped to ask where the Episcopal Guest House was. I saw someone point in the direction we were heading and in a couple of minutes down a rutted dirt road which was lined with dozens of little shanty shacks we arrived at the metal door of the Episcopal compound. Inside the solid sheet metal gate was a nicely trimmed lawn, a couple of fruit trees and a one story white washed building which turned out to be the guest house. Michael, a pleasant young man, greeted me and showed me up a few steps into the front door where there was a large common room with a TV playing the Barcelona soccer match and five or six Liberians seated watching it. I

was shown to a room directly off of the common room and I went in to put my things away. A small room with two single foam rubber mattress beds, it had a very small AC which was struggling mightily to make a difference between very hot and merely hot. I think everyone scurried away when I came in because when I came out a few minutes later, they were all gone.... But the game was still on and I saw that there was a computer in the corner which seemed to have an active Internet connection since Yahoo was on the screen. I sat and wrote a couple of emails since the internet connection required about five minutes to send one email, and then watched the game for a bit. After a few minutes one of the guys who works at the guest house appeared and watched the game with me. He was a typical sports watcher, jumping up at the exciting moments and bemoaning Ronaldhino's near misses. I tried for awhile to connect my laptop to the internet with no success and at about 10:15 decided I should try to sleep, which I did without any apparent difficulty, since the next thing I knew it was 7:30 a.m.

I started the day by going to take a shower. But there was no water. After a few minutes I was able to get a small room temperature trickle out of the cold spigot. When I held up the shower head high enough to have the trickle actually fall on my head there was not enough water pressure to make it up that far.... So I filled a bucket which was in the bathroom (now I knew why) and cleaned out of that... not so refreshing but fairly effective. Breakfast is provided by the guest house, and so when I came out of my room I went into the common area where there were a couple of communal tables and sat in front of a plate one which there was a cold and very flat fried egg. So I ate it. Some tea and a biscuit with peanut butter finished off the meal. I asked Michael about the shower,

and he instructed me that there were two spigots in the shower one for hot and one for cold. “Ohh,” I said, “I tried them both but only a trickle came out of the cold.” He looked at me like I was an American and explained that, “Yes, cold water comes out when you turn the cold water knob and nothing comes out when you turn the hot water because there is no hot water.” So that was that. One of my colleagues, Speedy Rice, who had arrived at 5:30 a.m., roused himself and came out to say hi and meet with the driver of the van which had been arranged to carry our group around during our stay. He and I spoke for a bit, discussing our itinerary and then he went back to bed.

I checked my email and then went to find Michael again to ask where I should go for a walk. He said, “Oh, you want to walk around, I’ll walk you”, so he and another guy, Joe, sandwiched me and we took a walk. First I asked to see the beach. We walked about 200 yards down 15th street to a large cinder block wall which had a doorway covered with a piece of fabric. Through the fabric we were on a beautiful beach stretching into the distance in both directions and virtually empty. Two foot waves broke silently on the slightly sloping sand. Only one or two small fishing boats could be seen in the water. Michael explained that this shore continued for miles and miles in both directions. “Liberians”, he explained, “don’t go in the water, because we don’t know how to swim.” It should be noted that Liberia has 186 miles of coast land punctuated by local ports which are for the most part not used at all or are underutilized. The Monrovia port is busy as is the port in Buchanan and there is talk of expanding one of the southern ports.

We walked back up 15th street to the main road. The little shanties I had driven past last night were more open to me now. No lights, no windows, dirt floor, the walls basically balanced up against the walls of the abandoned compounds and destroyed buildings which lined the road. Chickens and puppies ran here and there. Little black and orange lizards scurried across the road. People sat all over watching each other and the people walking by. We walked past the Liberian Social Services Administration building, a three storied white washed building set back off of 15th street behind a high stone wall topped with barbed wire. An open garage filled with a dozen shiny brand new Peugeots stood by, ready to be called into service. Men stood around the cars, drivers ready to take Social Service Administration employees wherever they needed to go. We walked along broken and missing sidewalks on the main road. Dozens of small taxis, lights still flashing and horns honking, careened all over the road. We passed a Lutheran school and a Baptist school with its mascot a large cement Zebra perched on a pedestal in front of the school, the schools comprised of low painted cinderblock buildings surrounded by high stone walls topped by barbed wire. Michael told me that the Royal Hotel was popular and had a nice restaurant in the back, “with air conditioning and internet,” and that the Mona Liza, a small restaurant next door, had nice pastries.

The Liberians I saw looked lean and healthy and I learned that was so because being on the sea there is a ready source of inexpensive protein, the soil is rich so produce can be easily grown and there is an abundance of fresh water, though, due to the lack of any sewage treatment facilities, the aquifer is seriously compromised

Again, women walked along the sidewalk balancing loads on their heads, students in uniforms walked along the road, and men carrying tools and wheelbarrows filled with produce went by. The buildings along the road were almost without exception decrepit and many were vacant. Small vendors sold sugary dough and candy. We turned off the main road to head back towards the guest house and stopped several times along the way to say hi to friends of Michael's and Joe's. It was very hot - about 90 degrees and very humid - and I wasn't the only one sweating, so when Michael suggested we sit down in a little store, really a corner of two wooden benches and a table with a tin roof and a room for the owner off to one side, I agreed. We sat and drank some water out of sealed plastic baggies and talked about the police (they must earn our respect), guns (if you have them you have power), children who don't respect their elders (should be loved nonetheless), joblessness (an idle body is an idle mind), cell phones (how did we ever get along without them and mostly we call and say, "Hey, I am here, where you?) and how much everyone seems to hate being involved with lawyers and courts. I didn't have the Five Liberian Dollars (60 = 1dollar US) for the water, so Michael paid and we walked back to the guest house.

There was no electricity at the guest house when we returned. Electricity is provided by a small diesel generator located a few steps from the guest house and Michael turns it off between 9:00 a.m. and about 4:00 p.m. each day to conserve fuel. My colleagues were finally getting up at about 1:30 p.m. and so, by 2:00 we all piled into a rented van and drove the two blocks to the Royal Hotel restaurant for lunch. The sign on the door said "Heartbreak Hotel" and "Elvis has Left the Building." The restaurant was cavernous

with probably fifty tables and because of the A/C and free Wi-Fi, many of the customers had laptops open while they ate. Like much in Monrovia, the cuisine was dominated by Lebanese fare. I learned from Michael that while The Royal is a favorite of Expats, it is expensive enough that most locals can't afford it. There were seven or eight white people in the restaurant, more than I had seen so far in Monrovia. I had the Mashawi. We talked about the advisability of having ice in our sodas and enjoyed the air conditioning. When we were done we got back in the van and drove through Monrovia.

One of our group had lost her luggage coming into Liberia and so she needed to buy some clothes. We drove to the central shopping area and Michael shepherded us along the crowded street to several clothing stores. Every building was broken in some significant way. Solid metal gates covered the front of each which was not open. Peering down every side street and alley one could see that behind the crumbling façade of the two or three main shopping streets there was a warren of shanties and shacks built amidst the rubble of destroyed buildings where the Monrovia's lived. Each open clothing store was small and packed with mostly Chinese made garments. In each store was a Lebanese proprietor who tried to help. The stores were cool and basically empty. The men in our group behaved like men everywhere when they are with women who are shopping. We milled around the front door complaining and exclaiming on the fact that men know how to shop... a variation on the Roman *Veni, Vidi, Vici*, we go, we see, we buy, we're done. The streets reminded me of what parts of Mumbai look like, one of our group thought it looked like Phnom Penh but sadder. The sidewalks are clogged with people selling phone cards, a variety of sugary sweets, fried dough, batteries, shoes, cooking supplies and

cheap wooden trinkets. Children begged for money, one armed or one legged men asked for money. Every street had many, many people just sitting and staring. With an 85% unemployment rate in Liberia, we knew that virtually all of these people had no source of income and were subsisting on what they could beg or find. One of our group was basically swarmed when he pulled out his video camera and started taking pictures. Young men wanted to pose for pictures and then demanded money for having posed. Michael quickly intervened and with a couple softly spoken words the young men backed away. Some clothing selected, we started back to the guest house, stopping along the way at a western style supermarket to stock up on some fruit, beer, wine, water, breakfast cereal and yogurt. Back at the guest house, we read and relaxed and sweated until dinner time which we had at the Royal again. I had some kind of curried sour tasting bad Pad Thai (what was I thinking). We fired up our laptops and then trooped back to the guest house, six Americans laden with cameras and laptops walking past dozens and dozens of families living in little shacks built leaning against the crumbling walls of crumbling buildings along 15th street in Sinkor. They watched us with curiosity. When one of our students took a picture of a small smiling child, his mother came by and demanded to be paid for the child's posing for the picture. Our student wisely demurred and we walked on home to our stone wall topped by barbed wire compound.

The electricity went off during the night. My little room turned into an oven, and I tossed through the night, not quite conscious enough to turn on the AC again when the electricity came back on at about 4:00 a.m. I got up sweaty and tired and sponged off in the bathroom. Today was our first meet and greet day so suit and tie was called for.

Appropriately attired, we got in the van for a ten minute drive along Tubman Street to the University of Liberia where the Louis Grimes School of Law is being reconstructed.

We met with Dean David Jalla, the Dean of the law school. The Law School occupies a building on the University of Liberia Campus, an assemblage of two story ochre colored cement buildings that had likely never seen better days. Eight of us crowded into Dean Jallas' small office and the sweating began. At one point the Dean passed around a roll of paper towels to stem the tide. Thankfully after about 30 minutes the electricity came on and the A/C started up. The law school has about 100 students per year, so about 300 total students. Annual tuition is \$300 dollars per year, though we were informed the tuition was going to be raised to \$1200 per year. There is some significant concern that this will result in many students dropping out, but without more funds, the school cannot operate. Due to a variety of delays associated with undergraduate student strikes and various physical plant problems, the Law school curriculum is behind schedule this year... by a semester. The class rooms are being rebuilt. There is no internet connectivity. There are several computers but they are not networked and they mostly don't work. There is no email at the law school. There is no online research capability. A variety of mismatched U.S. law books were on sagging bookshelves. They were clearly castaway books which could not serve any useful purpose in the absence of a complete set and regular updates (which is very expensive), something that many libraries have abandoned in favor of online research capabilities. Our gifts of Black's Law Dictionaries and a tie featuring the scales of justice were graciously accepted. The Dean explained that the current curriculum is a "strict jacket" curriculum of a mandated 96 credits spread over

three years. Currently the Law School offers no electives but there is some hope that some electives may be offered in the future. We explained the purpose of our trip was to set the groundwork for a paralegal training program and to understand what training needs might be sought by Liberian lawyers and develop some focus concerning how those trainings might be delivered. It was acknowledged that students and lawyers could benefit by interacting with their American counterparts. The Dean explained that any proposal would have to be processed through the faculty committee and then, if approved, be reviewed and approved by the President and then, if approved, be processed through the Faculty Senate. He seemed to think that this process would neither be particularly cumbersome nor time consuming.

After our meeting with Dean Jalla we went upstairs to meet Anthony Valcke who is in Liberia working on behalf of the ABA teaching trial advocacy to third year law students, but he was not in.

We left the law school to meet with Attorney Deweh E. Gray, the President of the Association of Female Lawyers of Liberia (AFELL). Her office was on the second floor of the three story FedEx building back in downtown Monrovia. Her focus is on gender violence, crimes against women and the training of the legal profession, prosecutors, attorneys and judges to deal more effectively with gender related issues. We had been informed by Shiela Weirth that AFELL had been the recipient of “Letters Patent”, essentially a government grant of authority to act as a special prosecutor in order to prosecute gender related crimes, but that having received that authority, AFELL had done

nothing more than appear on several occasions for publicity. Attorney Grey agreed to support training which would include a focus on training defense counsel how to be sensitive to gender violence issues.

We walked to our next meeting with the Deputy Minister of Justice, Counselor Ceaineh D. Clinton-Johnson (she was careful to point out to us that she was also the Acting Minister of Justice since the Minister of Justice was out of the country). After listening to us explain the purpose of our trip and the kind of training we were looking forward to providing, she acknowledged how important training was and expressed her strong belief that the most important training was training for prosecutors. We agreed with her that training prosecutors was very important and stressed that training could address the harsh manner in which some victims were treated by both defense lawyers and prosecutors. We explained that a training program which focused on prosecutors and defense lawyers could provide greater benefits than a program which focused on only one side of the problem. She agreed, was encouraging, and assured us that she would inform the Minister of Justice upon his return to the country.

We then went to the court house and observed a magistrate court in operation. Here is where the law met surrealism. The case we observed was a civil dispute over tenancy rights and back wages. The plaintiffs had sued to dispossess the defendant from his home and the defendant had countersued for back wages. The courtroom had many of the attributes of what we would recognize as a court room. There was a raised dais for the judge who had a gavel. There was a bailiff with a gavel. There was a court reporter and

there was a counsel table. The court reporter, however, was a man seated at a manual typewriter who used carbon paper to produce three copies of the proceedings. Because his typing speed was limited by the manual typewriter and his hunting and pecking capabilities, there were only three or four words spoken at a time and then the speaker had to wait for the typist to catch up. Evidence was produced and shown to the judge before the adversary ever had an opportunity to review it. All of the argument was clearly designed to enhance the reputation of the attorney without significant attention given to the facts or the law. So there were oratorical flourishes which never really went anywhere and took an enormous amount of time to deliver (given the court reporting apparatus). “This esteemed and Honorable court will take highly relevant notice of the highly relevant evidence which is being produced for the honorable and esteemed court, point”. The attorney would insert punctuation into their oration because without doing so, the court reporter would type in run on sentences. The adversary attorneys would high-five each other after one or another of the points they made and the judge, who found it all very amusing, laughed at most of what was going on as did members of the audience and uninvolved counsel who also sat at the one counsel table.

The murder trial we had hoped to observe was postponed until Thursday and so we went back to the guest house to change clothes. At around seven, we piled into the van again and went to the Andalujan Complex about a mile away. On the way there we could see that every building which was significantly intact was surrounded by a concrete wall topped by barbed wire. Any building not so protected had been destroyed, stripped and mostly turned to rubble. Squatters lived in every crumbling building. Michael

explained that one room was used for cooking on an open fire and one room was used as the toilet, there being no plumbing left. As those room became unusable, other rooms were substituted until a building was simply uninhabitable due to the squalor. The Andalujan is one of the apartment complexes used by UN staff. There are 24 hour guards, a nice pool, secure parking for the white UN SUVs and it is all surrounded by high stone walls topped by barbed wire. We met Sheila Weirth a prosecutor trainer employed by Pacific Architects and Engineers (PAE), Stephanie McPhail and several other U.N. employees involved in various aspects of the rebuilding effort in Liberia. Sheila, a former prosecutor from the United States, is working with Liberian prosecutors, teaching trial skills. Stephanie is focusing generally on increasing legal capacity and the rule of law, One UN employee is a public information officer and the other works on commercial development issues. The pool was compelling and I stripped down to underwear and fell in. Several others joined (in more appropriate swim attire) and some of the accumulated heat of the day flowed away. We talked about life in Liberia and the difficulties of being separated from family and friends. There was a lot of talk about the differences between those UN workers who are “first responders” and those (like them) who commit to longer term interventions. The first responders, it was explained, are adrenaline junkies who want to be first on the ground; they thrive on the danger and the risk but can’t commit to longer term activities... and they’re always looking for the next crisis. Sheila, Stephanie and Jan were not first responders and while they expressed some admiration for the selflessness of those who arrive in conflict torn settings to deliver food, medicine and housing supplies, they clearly placed a higher value on the capacity building activities in which they were each engaged.

We ordered some pizzas to be delivered. The pizza shop is run by a Lebanese man who accompanied the delivery man to the Andalujan. With pizza eaten, wine and beer sucked down, and the day's heat diminished, we got back into the van and returned to the guest house.

Wednesday was Decoration Day, a Liberian national holiday, the day on which Liberians decorate the graves of their ancestors. We took a walk on the beach but did not go in the water due to concerns about cleanliness. With no sewer system, the people who live near the shore use the beach as their bathroom. Those who don't live near the beach use alleys. Some of the buildings have toilets but the sewer lines are ruptured and in any event there is no operational sewage treatment facility in Monrovia, with about 1.5 million residents, so the sewage flows into the ground and pollutes the aquifer. Tests of the ocean water has revealed that coliform levels are too high for bathing at any of the beaches near Monrovia and only by going out of town nearly 45 miles near to the airport, does the water become clean enough to make swimming safe. After the beach we repaired again to the Royal for laptops and air conditioning.

At 3:30 we went to visit with Sheila Weirth and Marti Troy, who trains Defense Counsel for the PAE at their compound at the Old Ambassador Hotel . Owned by a Liberian who has left the country, it has been long-term leased and renovated by a Lebanese who now leases its apartments to UN types. It has a nice pool, strong security and a fairly reliable generator. We sat around the pool and spoke with Marti about defense issues. She tried to

make us understand the alarming lack of legal training which lawyers actually receive in law school. Her observations, after more than two years in Monrovia, tracked our own after just a few days, that the lawyers had no real appreciation or knowledge of the rules of evidence or the rules of procedure and often seemed to be playing at practicing law. While their criminal justice system is ostensibly patterned after ours, it is as though someone watched one 1962 TV courtroom drama and everything else flowed from that. Sheila Wierth tried to shed some light by suggesting that one had to understand the cultural values in play before being able to understand what one sees in the court house. Her view is that in Liberian culture, form is greatly valued over substance. Status and reputation are the primary currency and substance and commitment to ethical values are far less important.

We learned that corruption is rampant at every stage of the legal process, from encouraging the police to investigate a crime, to charging a particular person, to docketing cases for a hearing, to the process of transferring cases from the court of first instance (the magistrate's court) to the trial level court. An enormous percentage of cases are simply abandoned, because no one has encouraged one functionary or another to move the case along. The result is that a defendant may languish in jail in for many months before someone recognizes that his case is going nowhere. The jail in Monrovia was built to house 120 people, and we were told it currently houses nearly 900. Recently, the news reported the dismissal of a two year old murder case in which the defendants had been held without bail. It had finally come to the attention of a prosecutor that the murder indictment was based on the use of witchcraft and since he would have no way to

prove that, he had to dismiss the cases. I had the opportunity to speak at length with Marti Troy about the challenges of training Liberian lawyers. It was simply shocking to hear that in the entire country there were a total of 13 public defenders. Because virtually nobody who is charged with a crime can afford to hire an attorney, an infinitesimal percentage of the cases are handled by private attorneys. Clearly, any criminal defense training would have to focus on the public defenders and would have to be seen as a very long term capacity building exercise. This was not going to be an opportunity for high level cross examination skills building. In a nutshell, Marti stressed that the level of legal education is very low and the legal sophistication is virtually non-existent. There is a strong oral culture in Liberia but, as above, it is all form over substance. She explained that all training had to really start from scratch. She said that she had recently been starting to focus on teaching the hearsay rule. I told her that I had some un-allocated time on Friday and was willing to come teach for a couple of hours, an offer which she eagerly accepted.

Lawyers come out of law school completely unprepared to practice law. This is due, in some significant part, on the fact that law school is mostly self taught. None of the law school faculty is full time. Even the Dean maintains a private law firm representing Cigna Insurance Company. All of the teachers are practicing attorneys who have active commercial practices which require their primary attention. Classes are frequently cancelled. We were told that Attorneys take the teaching positions because it increases their status in the legal community, not because they have any interest in or ability to actually teach law.

There is no method to track or obtain Supreme Court decisions. They are issued from time to time by the Supreme Court, but there is no method of publicizing them and neither judges nor lawyers are able to know what precedents have been set by the court. Some lawyers, including Dean Jalla, pay a clerk to go by the Supreme Court from time to time and see if there are decisions which may be of interest. The entirety of Liberian case law is comprised of 14 volumes of published opinions. The last volume was published in 2004 and there has been no accumulation of decisions since then. Each of the 14 volumes has an index in the back of the book, with entries which may or may not have anything to do with the subject of the opinion. The newly appointed Attorney General of Liberia claims a copyright to the published opinions and has demanded to be paid an undetermined amount for the publishing rights and therefore, even those 14 volumes are not readily available.

As late afternoon merged into evening we all decided to go to the Palm for dinner. We were joined by Maria Miller from the International Finance Corporation, a branch of the World Bank, Stephanie McPhail, and ----- a Police consultant.

On Thursday, we started the day by going back to court for the continuation of the Murder trial. Before the trial began we spoke with Counselor Antonin Jacobs, the Montserrado County Prosecutor, and the assistant prosecutor trying the Murder trial. Cllr. Jacobs, who was the former Director of the National Bureau of Investigation, the

Liberian equivalent of the FBI, was somewhat taken aback at the notion that the National Association of Criminal Defense Lawyers had over 30,000 members.

As we waited for the trial to begin, we were permitted to meet with Circuit Court Judge Qwe Qwe, who would be trying the case. The Circuits Court is the only trial court of record and there is only one level of appeal, to the Supreme Court of Liberia. Circuit Court Judges, like District Court Judges in the United States, are appointed to their positions for life. We were escorted by a bailiff into her chambers, an office behind the courtroom and discussed the progress of the case with her. She explained that they were still on the prosecution case and that there was likely one more week to go before the case would be over. At one point Sheila Wierth entered the chambers and explained to the judge that the prosecution would like the court's permission to issue a subpoena duces tecum for some medical records which would be important in order to establish causation in the case. Judge Qwe Qwe discussed with Sheila the process by which such a subpoena would be issued and the two of them spoke for a couple of minutes about the importance of the subpoenaed medical records to the establishment of causation in the case. The Judge then received a cell phone call during which she learned that the defendant was ill and would not be produced at court that day. So the trial would not go forward. Instead, the court would merely hold a hearing on the request for an adjournment based on the illness of the defendant and the prosecution's request for the issuance of a subpoena duces tecum.

We all went into the court room. Two defense counsel and two prosecutors sat at the counsel table. One defense counsel was a relatively new defense counsel and the other was the head of the country's 13 member public defense counsel, Counselor Cheapo. Counselor Cheapo, although having never attended law school, is well known as an effective orator. One of the prosecutors was the assistant county prosecutor and the other was a special consultant to the prosecutor's office paid for with UN funds. The special consultant, Counselor A.W. Octavius Obey, had twice been the solicitor General for Liberia and had, prior to his retirement, been a Circuit Court Judge. CLLR Obey made his application for an adjournment based on the illness of the defendant and asked the court to issue the subpoena duces tecum. Speaking in three and four word segments, the application took nearly 30 minutes. The defense seemed not to understand that the prosecution was merely asking for the issuance of a subpoena and so spent about 20 minutes arguing against bringing a new witness into the case at this stage. In rebuttal, when CLLR Obey chastised the defense for not understanding this fact, they demurred on the point. The court then issued a decision, again in three and four word segments, which were then transcribed by the manual typewriter, in which she granted the issuance of the subpoena duces tecum and adjourned the case to the next day to see if the defendant was well enough to come to court. I had the opportunity to read the transcript of the decision after it was typed. It was mostly indecipherable misspellings and non-sequiters. Unrelated segments of sentences abutted each other. One was, however, able to discern that the subpoena had been authorized and the case had been adjourned to the following day.

After the case was adjourned, we returned to the Law School again to meet again with Dean Jalla. His reception was significantly warmer than the first time. He was highly encouraging of our efforts and Speedy and I received assurances of cooperation going forward.

While Speedy and I met with the Dean, the four Washington and Lee law students spent time speaking with their counterparts at the law school. They reported the meeting to be very useful and enlightening.

Our final meeting of the day was with Meg Riggs of the Public Diplomacy Section of the US Embassy. More than anything, this was a courtesy visit, but it resulted in two major pieces of information which will prove very valuable moving forward. First, the public library at the US embassy has several computers with high speed internet connections available for anyone to use for free. The computers are set up with video conferencing hardware so that long distance meeting/learning can be accomplished. Second, free shipping of books can be accomplished by delivering the items to the Baltimore shipping facility of Firestone rubber which runs its container ships empty back to Liberia.

Our group then went back to the Guest house for packing, dinner at the Royal and at about 9:30 p.m., Speedy and the students departed.

On Friday, I stopped first at the Brussels Air office at 9:00 a.m. to change my departure from Monrovia to Friday evening from Sunday. That accomplished, I went to court. Part

of our group's original agenda was to have met with the Chief Justice of the Supreme Court, Chief Justice Johnnie N. Lewis. We had made an effort, upon our arrival, to make an appointment but had been told that, on such short notice, appointments were typically not granted and in this case it would simply not be possible. We had however, brought a copy of Black's Law Dictionary and a commemorative coin as a gift for the Chief Judge and so, on Friday morning, I wrote a note to the Chief Judge explaining our disappointment at missing him but expressing our desire to present him with the gifts nonetheless and the hope that that we would be able to meet in the future. I went upstairs to the Judge's chambers, explained the situation to the Judge's receptionist, provided the gifts and was prepared to leave when she asked me to please wait. She took the book and the coin and the note and disappeared into an anteroom . In a moment she returned and led me down the hall to the Chief Judge's private office. I spoke privately with the Chief Judge for about an hour. I explained the nature of the projects we were pursuing and the contacts we had made and he was very supportive. In particular, he asked whether we could have any impact on the ability of defense counsel to attend to unrepresented defendants who were "languishing in our prisons" without counsel. He felt very strongly that any training we proposed for defense lawyers should also be presented to prosecutors and, most importantly, to judges. He acknowledged that, for instance, teaching the hearsay rules to defense counsel would be useless unless the judges also knew how to apply the rule. He promised that if we could propose a joint training, or better, a series of trainings, he would order all of the country's Circuit Court judges to participate. His suggestion was that such a training take place in the periods between terms of the court. We checked calendars and he suggested that the first week in August

would be ideal. We went on to speak about family (he has nine children), the lengths that parents must go to provide for children (he has donated a house full of furniture to his daughter in the U. S.) and the limits that must be put on children's demands (he would not pay his daughter's Visa bill, "She's a grown woman, she can pay it herself").

I had lunch with Marti Troy, the Public Defense Advisor, again at the Royal, and by now I'd gotten the knack, stick with the hummus and tabouleh. During lunch, Paul Zwier, from Emory Law, who was there with a group from his law school, happened to come in and he joined us for a bit. He described his alarming experience in the country at a police station at which a young girl was being held after having been raped. He believed that the police may have actually raped her and he became involved in seeking appropriate medical care for the child. After he left to join his group, I described my meeting with the Chief Justice, and Marti was very supportive of the idea of putting together a training that simultaneously moved the defense counsel, prosecutors and Judges along similar pedagogic paths.

After lunch we returned to the court house where I had scheduled a 1:30 p.m. meeting with the Secretary General of the Liberian Bar Association, Mr. Kaneh. By 2:00 he had not shown up and I was slated to begin teaching at 2:00. I called him and he apologized by explaining that the fuel pump on his car had failed immediately after his afternoon prayers. He invited me to communicate with him and the President of the Liberian Bar Association, Cllr. Oswald Tweh, by email and he expressed his full support for our agenda and promised to be available for any further meetings during our return visit.

I then spent two hours doing a generic rah rah defense counsel primer, expounding on the virtue of being a defense counsel, the fact that it is the highest calling of the legal profession, touching on the importance of voir dire, making eye contact with the jury, thinking about developing a theory of the case, the recognition of who our audience is, the purpose of objections (I touched on hearsay but they were not ready for that level of detail), the necessity of making a record, the limited purpose of cross examination and what should be accomplished during a summation. The students were eager, intellectually hungry, skeptical and almost completely unexposed to any trial advocacy skills.

I was warmly thanked by the public defenders and I left to pack and head out to the airport.

The image I will remember as my driver took me to the airport was of a soccer team playing in the 90 degree heat under the late afternoon sun in colorful uniforms on a large dirt field just off the main road. The ball bounced unevenly on the rocky field and it was chased and kicked by two teams comprised entirely of young men whose missing arms and legs were a startling reminder of the violence which wracked this country for so long and so recently.

Liberia, a broken country, perhaps more completely broken than any on earth.