

## **SPEECH BY THE HON. CHIEF JUSTICE**

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**GAMBIA LAW SCHOOL**

1. Someone asked as to what is the difference between a good lawyer and a bad lawyer?

The other replied:-

A bad lawyer can let a case drag out for several years. A good lawyer can make it last even longer.

2. A doctor and a lawyer were both at a reception. The lawyer noticed that people were constantly coming over to the doctor. "Why are so many people coming over to you?" asked the lawyer. "It's terrible," sighed the doctor, "ever since I became a doctor I don't have a moments peace, people are constantly coming over to me for medical advice." "I'll tell you what I do," said the lawyer with a sneer, "I send them a bill in the mail." The doctor agreed with the lawyer that this was a good solution. The next day upon mailing the bills he was surprised to see a letter from the lawyer, he was even more surprised when he opened it.\_\_\_\_\_,..... it was a bill!).

3. It is generally forgotten that law is a profession. It is not a commercial undertaking operating on the law of demand and supply enabling lawyers to charge extortionate fees. It is not suggested that lawyers live on love and fresh air. However, law in essence is a service-oriented profession. Roscoe Pound touched the essence of the matter: "Historically, there are three ideas involved in a profession: organisation, learning, and a spirit of public service. These are essential. The remaining idea that of gaining a livelihood is incidental.

The book, Legends in Law by v. Sudish Pai Chief Justice of India, reminds about the great judges and lawyers who have left their indelible footprints on jurisprudence and who practised the profession of law in a grand manner in a spirit of public service. The great judges and lawyers who have been brilliantly portrayed by Pai are of different nationalities and hail from different parts of the World. The common underlying golden thread is their quest for fearless justice and keen desire for equality and respect for human dignity. A feeling of awe and reverence is generated as we witness the procession of the greats unfold before us.

**FREDERICK POLLOCK AN AMERICAN JUDGE SAID:**

Crabbed and obscure definitions are of no use beyond a narrow circle of students, of whom probably everyone has a pet one of his own.

**According to him,** If you deny that any principles of conduct at all are common to and admitted by all men who try to behave reasonably - well, I don't see how you can have any ethics or any ethical background for law.

4. As you are about to step into practical life, you must learn the art of climbing the ropes of the profession. One way of doing it is to study the life and achievement of great Judges and Lawyers.

I suggest you read about Chief Justice John Marshall 1801 – 1835. He authored the most important American Judicial opinion of all time *Marbury v. Madison* which establishes the supremacy of the court in Legal judgments.

Marshall was interested more in the outcomes than the analytical underpinning of the judicial opinions.

5. **CHIEF JUSTICE EARL WARREN (1953 TO 1969)** gave one landmark decision after he was the Lead Judge in the famous case of the *Brown v. Board of Education* (1954) banning segregation in public schools. *Miranda v. Arizona* (1966) required that Criminal defendants be informed of their rights to remain silent and to be represented by a Lawyer.

*Loving v. Virginia* (1967) struck down prohibitions on interracial marriage.

Lord Denning – Lived for a 100 years. Beside a great Judge he wrote important books which you should read:

- a. The Changing law (1953)
- b. The road to justice (c) the discipline of law (1979) and what next in the law (1982)

He ruled that a wife in a divorce case was entitled to an equal share of her husband wealth.

It was said about him that he had huge intellect and reforming imagination in equal measures and in court he never failed to be an object lesson in judicial courtesy.

He said he chose law as a career. “because I was ambitious and saw it as the best way to advancement.

He speaks of a lawyer role in the Profumo Political Scandal inquiry:

I have had to be detective inquisitor, advocate, and judge and it has been difficult to combine them.

In International Law you must historical study its development. And in Criminal Law how the war tribunals added to the jurisprudence. The ICJ, ICTY, the Nuremburg, the Toyko tribunal all will need your

attention. My contribution in the Judgement of Miltavic at el case may give you an insight into growing new concept of International Criminal law.

I end the speech with a quote from Black stone:

The law, which restrains a man from doing mischief to his fellow citizens, though it diminishes the natural, increase the civil liberty of mankind.

## **POEM**

### **THE SCHOOL WHERE I STUDIED**

(Yehuda) Amchai translated into English.

I passed by the school where I studied as a boy and said in my heart; here I learned certain things and didn't learn others. All my life I have lived in vain the things I didn't learn. I am filled with knowledge, the shape of its leaves, the function of its root system, its pests and parasites.

I am an expert on the botany of good and evil, I am still studying it, I'll go on studying till the day I die.

I stood near the school building and looked in. This is the room where we sat and learned. The windows of a classroom always

open to the future, but in our innocence we thought it was only land scape we were seeing from the window.

The school yard was narrow, paved with large stones. I remember the brief tumult of the two of us near the rickety steps, the tumult that was the beginning of a first great love.

Now it outlives us, as if in a museum like everything else are same. Your school has an International reputation.

Congratulations!

Thanks to His Excellency the President who created it and suggest we should have a separate section for training the Cadis in Court Management Techniques. So that the legal system despite diversity follows well known procedural modes.

God Bless the Gambia.