

ADDRESS

BY

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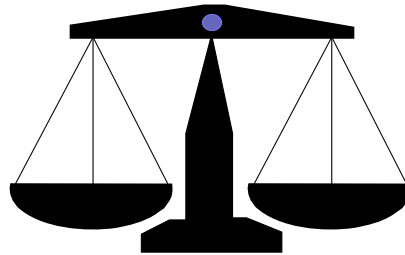
ATTORNEY-AT-LAW

OF

PETER I. FOSTER & ASSOCIATES

TO MARK

THE 40th ANNIVERSARY OF THE ECSC



SAINT LUCIA

TUESDAY, 27th FEBRUARY 2007

I am deeply honoured to have been asked to deliver a response to the words of our Honorable Chief Justice on this very special sitting to celebrate the 40th anniversary of the Eastern Caribbean Supreme Court, on behalf of the Utter Bar which now comprises mainly of very young legal practitioners.

Everything that could be said of our court and how much it has grown in the last 40 years has been said by the speakers before me and I therefore wish to digress slightly and briefly address the court on the experience and views of a young lawyer entering the court some 36 years after it was formed.

I was called to the Bar in November 2002 and commenced my practice before this court in March 2003. Since then and although it has only been four years, I believe I can comment on the operations of this court system first hand. There have been many positives but unfortunately there are also negatives which need to be addressed and ought to be addressed collectively, by all of us who are part of the administration of justice, if we are to maintain its relevance.

When I studied law, I did so because my upbringing gave me the innate sense of what is right and what is wrong and compelled me to study the systems that are so important in differentiating a life of chaos and one of order. I became interested in what I later learnt to be the Rule of Law and since becoming qualified, I have compelled my self to its practice. I operate with that ideal and in fulfilling that ideal it has become so apparent that the pillars upon which the Rule of Law is built must remain strong and most importantly, its integrity intact.

To this day, we as lawyers still hold as part of our minutes all of our original notarial instruments. Any two lawyers together can act on the instructions of a vendor of land to execute an instrument on their behalf. Together, any two of us

lawyers can execute wills on the instructions and on behalf of another. We as lawyers are able to give undertakings to register documents on behalf of third parties. The trust in us as lawyers is so great that it makes it so important that the persons to whom these systems are entrusted, that is all of us, carry out our duties to this court with integrity, and honesty and that we efficiently discharge these duties as our lives and the lives of the public we serve depend on it.

As a young practitioner, I must state that I thoroughly enjoy practicing before the judges of the High Court and the Court of Appeal. I have found the judges of the high court specifically accommodating to us younger practitioners and in some cases afford us the time in imparting their knowledge and experience to us. I must state also that the assistance from the Chief Registrar, the Registrar of the High Court and the Court Administrator has been extremely positive.

On the other hand, there are the many frustrations that we go through in trying to discharge our duties to our clients and equally to the courts. To touch on some of those, I must mention that in the year 2007, we still have to stand in corridors to await the calling of our matters without any accommodation for us or our clients. We still have to robe and have last minute conferences with our clients in corridors of justice. Whilst many of the senior lawyers would state that we young lawyers complain about everything and are spoilt, I can not apologise for expecting more from our court system in the year 2007. I understand however that these problems we face are being addressed and I mention it here to ensure that it is not forgotten.

The inadequate staffing at the Court Office is another cause of daily frustration. We await filed documents for periods that are wholly unacceptable if we are to represent our clients effectively and efficiently.

There is so much more that I would wish to go into but it would take me an entire morning, which I know we do not have. I will reserve all my further suggestions and comments for another forum.

I have taken heed of the words of our President of the Court who has asked us to be sensitive and responsive to the process of rapid and extensive change that our societies are going through. There is so much more to be done and I have taken on the challenge to play my part and I think I speak for many if not all of the younger lawyers. We are all willing to play our part to ensure that our court system advances to the benefit of us all and the society within which we live. Ensuring that our profession can continue to be worthy of the essential values of honour and integrity.

Your Lordship recently advised that we can only do so by creating a strong professional institution to administer the legal profession, to engage in continuing legal education and to develop and enforce disciplinary measures in the interest of preserving not only our reputation but even its relevance.

It is with this in mind that I end by asking all of us at the Saint Lucia Bar to take up our responsibilities not only in the pursuit of monetary gain but to uphold and strengthen the pillars of our esteemed Eastern Caribbean Supreme Court. We must not continue to say “What has the Bar done for me” but rather “What can I do for the Bar and for my profession”.

I congratulate this Eastern Caribbean Supreme Court on its 40th Anniversary and recognize all before who have contributed so much to its development and Status within the Commonwealth - and to your Lordships on the work you have done and continue to do, not only in presiding over cases called before you, but in endeavouring to develop and adjust our Court Systems in keeping with the

rapid evolution of our Society. I wish all of us as part of this noble institution a further 40 years worthy of celebration.

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