

# EASTERN CARIBBEAN SUPREME COURT

## Application for Appointment as Judge of the High Court

Closing Date for Applications  
29<sup>th</sup> October 2010

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This form should be typewritten or  
handwritten clearly in **black** ink. If there is  
insufficient space on the form, please  
continue on a separate sheet. **You should  
complete all parts of this form, even if  
you have previously supplied some of  
the details requested.** This will help to  
ensure that our records are complete.

Please read the guidance notes before  
completing this Form.

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Please indicate with an *x* your appropriate status:

Justice of Appeal \_\_\_\_\_

Judge \_\_\_\_\_

Master \_\_\_\_\_

Magistrate \_\_\_\_\_

Queens Counsel \_\_\_\_\_

Barrister \_\_\_\_\_

Attorney at Law \_\_\_\_\_

Solicitor \_\_\_\_\_

Other [please state] \_\_\_\_\_

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Nationality/Nationalities: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**[4] Other Training [if applicable], give details**


**[5] Professional Experience**

Please give details of your professional experience since being called to the Bar, **starting with the most recent**.

Please include dates, addresses [including where appropriate, the name of the Head of Chambers]. Please include under ‘Particulars’ whether the type of work done included litigation and/or litigation management.

Dates		Chambers, Firm or other organization and address	Particulars
From	To		

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**Section C – Judicial Experience**

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1. Do you now hold, or have you held in the past, any judicial appointment? [including temporary or part-time appointment] No  Yes  [Please state the position[s], date[s] of appointment and period[s] of service in the space below]

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2. If you currently hold a judicial position, please state the court[s] where you now preside and the duration of your appointment.

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3. Please state any location[s] where you have sat in the last 3 years and the court[s] over which you have presided during that time.

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4. If you hold or have held any judicial appointment, please describe the work you have done as a holder of judicial office, and the jurisdictions exercised.

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**Section D – General**

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**A. Character**

1. Have you ever been convicted of, or including cautioned in relation to any criminal offence?  No  Yes [Please give details, dates, below]

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2. Have you ever been adjudged bankrupt, made a composition with your creditors, or been sued to judgment for any debt, or are any such proceedings pending?  No  Yes [Please give details, or including, dates below]

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3. Have you ever had proceedings brought against you, or paid a penalty or made a composition in respect of failing to pay or any other default relative to any other form of tax or rates, or are there any such proceedings pending?  No  Yes [Please give details, including, dates below]

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4. Have you ever had an action brought against you for professional negligence without the matter being dismissed, or are any such proceedings pending? If any such action has been brought or is pending against your firm in respect of a matter under your supervision, please answer 'yes'.  No  Yes [Please give details, including, dates below]

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5. Are you, or have you every been subject the disciplinary proceedings of the Bar in respect of complaints regarding a matter involving you personally or under your supervision, without the matter having been dismissed, or are any such proceedings pending?  No  Yes [Please give details, to including dates, below]

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6. List in chronological order commencing with the most recent, the 10 cases that you consider to be the most important in your career. Give the name of each case, name of opposing Counsel, brief details of the nature of the matter and of final disposition. Please provide information by which any written judgments could be accessed.

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**B. Consultation**

You may include here the names and addresses of up to three members of the judiciary and/or the legal profession who you consider will be able to comment on your qualities and experience. *[The arrangements for consultation are outlined in the Guide for Applicants.]*

NAME	STATUS	ADDRESS

**C. Further Information**

Please provide any other information which you consider may be relevant to your application. It is important that you candidly assess your own suitability for appointment to the High Court Bench, against the criteria [legal knowledge and experience, skills and abilities, and personal qualities: these are described in more detail in the Guide]. You should provide examples of significant achievements to support your assessment. Continue on a separate sheet, if necessary.

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I \_\_\_\_\_ swear/affirm under the penalty of perjury that the information which I have given on this form is true to the best of my knowledge and belief. I understand that any misrepresentation may result in my disqualification even after appointment.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**EASTERN CARIBBEAN SUPREME COURT**

**APPOINTMENT TO THE OFFICE OF  
JUDGE OF THE HIGH COURT**

**GUIDE FOR APPLICANTS**

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## 1. INTRODUCTION

- 1.1 The purpose of this Guide is to assist applicants for the office of Judge of the High Court. It is arranged in four parts.

### **Part 1**

This gives a brief outline of the contents of the Guide.

### **Part 2**

This outlines the **eligibility requirements** and the **criteria** applicants must satisfy before the Judicial and Legal Services Commission will consider them for appointment. It also explains the **appointment procedure** and outlines how the Judicial and Legal Services Commission will obtain the comments of referees.

### **Part 3**

This gives important advice on **making an application**.

### **Part 4**

This contains **Annex A**: an outline of the **terms and conditions** of High Court Judges.

- 1.2 **Applicants are advised to ensure that they read and fully understand the contents of this Guide before they complete and submit their application form.**

## 2. ELIGIBILITY REQUIREMENTS

2.1 To be eligible for appointment as a High Court Judge, an applicant

[a] must have either:

[i] been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; or

[ii] qualified to practice as an advocate in such a court, and has so practiced, for a period of or periods amounting in the aggregate to not less than 10 years.

[b] must be in good health. In particular, he/she should have satisfactory sight and hearing [with technological assistance if required] and should also be able to sit and to concentrate for long periods of time. The selection process will include submission to an examination by a medical practitioner approved by the Judicial and Legal Services Commission.

[c] must be a person who conducts himself/herself at all times, both in his/her professional and personal lives, in a manner that will maintain public confidence in the standards of the judiciary.

2.2 The Judicial and Legal Services Commission will appoint the candidate who appears to it, to be best qualified, with reference to the criteria [see paragraph 3.1], regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfillment of the physical requirements of the office.

2.3 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary of the Judicial and Legal Services Commission, who will be able to assist you.

### 3. CRITERIA FOR APPOINTMENT

3.1 The Judicial and Legal Services Commission will only appoint individuals who best satisfy the eligibility criteria and display the following attributes to the highest degree.

#### **Legal Knowledge and Experience**

##### Successful candidates will have attained

- [a] A high level of understanding of the principles of law and jurisprudence.
- [b] A comprehensive knowledge of the rules of evidence and of court practice and procedure.

#### **Skills and Abilities**

##### [a] Sound judgment, being able to:

- exercise discretion effectively;
- apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and
- consider competing arguments and reason logically to a balanced conclusion.

##### [b] Intellectual and analytical ability, being able to:

- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall such evidence and information speedily and accurately.
- apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not;
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation; and
- apply the law creatively.

[c] Decisiveness:

Having the ability to reach firm conclusions [often at speed], to think, decide and act independently of others, and to rely on their own judgment.

[d] Communication and listening skills:

Being able to communicate effectively with all types of court users including lay people [whether defendants, witnesses, members of a jury, litigants in person or children], giving instructions, explaining complex issues and giving decisions in judgments clearly and concisely, both orally and, where necessary, in writing.

[e] Authority and case management skills, being able to:

- command the respect of court users and maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing; and
- promote the expeditious dispatch of litigation, preventing unnecessary prolixity, repetition and irrelevance whilst ensuring that all parties [whether represented or not, and including children] are able to present their case or their evidence as fully and fairly as possible.

[f] Keeping abreast of legal developments and court technology.

## **Personal Qualities**

[a] Integrity:

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts;
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary: and
- Having the trust, confidence and respect of others.

[b] Fairness:

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside; and
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.

[c] Understanding of people and society:

Having a knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

[d] Maturity and sound temperament:

- Displaying a maturity of attitude and approach; and
- Being firm and decisive while remaining patient, tolerant, good-humoured and even tempered.

[e] Courtesy and humanity:

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of, the needs and concerns of court users, and being sensitive and humane.

[f] Commitment:

A commitment to public service and to the proper and efficient administration of justice, which they pursued conscientiously, with energy and diligence and a due sense of responsibility.

## 4. THE APPOINTMENT PROCEDURE

### General

4.1 Applications are welcome from all those who satisfy the published eligibility requirements.

### Confidentiality

4.2 The Judicial and Legal Services Commission will treat all applications and supporting information as confidential.

### Interviews

4.3 Selected applicants will be invited to an interview.

### Consultation

4.4 Applications will normally be subject to written consultation only.

4.5 Persons to be consulted (referees) will include the Judges of the Eastern Caribbean Supreme Court, constituent Bar Associations, the OECS Bar Association and persons nominated by the applicant. For applicants outside the OECS, consultation in the relevant territory will be with the Judiciary through the Chief Justice and with relevant professional Associations.

4.6 No single referee's view of an applicant is decisive.

### Allegations of misconduct

4.7 The Judicial and Legal Services Commission will attach no weight to unparticularised allegations of misconduct. It will consider any specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct is made, the Judicial and Legal Services Commission will seek the referee's consent to send details of the allegation to the applicant, to enable him or her to comment on the allegation.

**The Judicial and Legal Services Commission emphasizes that if consent is not given to reveal details of any allegations of misconduct to the applicant concerned, it will disregard the allegation.**

- 4.8 This applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional abilities and qualities. For practical purposes, 'misconduct' refers to conduct which, if the allegations were substantiated, would be regarded by a professional Association as an infringement of the relevant principles of professional conduct; and/or might, prima facie, cause the Judicial and Legal Services Commission to consider whether to initiate disciplinary proceedings, where the person concerned is a holder of a relevant judicial or legal office.

### **Assumption of Duty**

- 4.9 In the event of an appointment the candidate would be expected to take up the appointment as soon as possible, subject to a reasonable period being allowed for disengagement from existing obligations.

## **5. MAKING AN APPLICATION**

### **Obtaining the Application Form**

- 5.1 Copies of the Application Form for appointment as High Court Judge can be obtained from the Secretary of the Judicial and Legal Services Commission and from the Supreme Court's website: [www.eccourts.org](http://www.eccourts.org)
- 5.2 Your application may be hand delivered to the Office of the Judicial and Legal Services Commission, or sent by post or courier. If you do send your application by post, it must be post-marked on or before the deadline date.
- 5.3 Applications by email will not be accepted.

### **Acknowledgement of an Application**

- 5.4 You should receive an acknowledgement within 14 days of the receipt of your application by the Secretary of the Judicial and Legal Services Commission. If you have not received an acknowledgement within this period you should contact the Secretary of the Judicial and Legal Services Commission.

## **Completing the Form**

- 5.5 Your application should be typed or completed clearly in black ink, with any additional information, attached to the back of the completed form. Please ensure that you sign and date the form.
- 5.6 An unsigned Application Form will not be accepted.

## **Your Address**

- 5.7 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary of the Judicial and Legal Services Commission of any changes to the information supplied under this heading.

## **Names for Further Consultation**

- 5.8 The Judicial and Legal Services Commission invites you to provide the names and professional addresses of **up to three**, members of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial and Legal Services Commission will write to those named on your application form. The persons you name should be persons who are familiar with your work and therefore able to comment on you having regard to the criteria at paragraph 3.1. This is to enable the Judicial and Legal Services Commission to have the widest possible views on applicants.

## **Canvassing for Support**

- 5.9 It is not necessary or appropriate for applicants to approach those whom they name, as what is sought is not a reference but information to enable an assessment to be made of their suitability for appointment. Likewise it is unnecessary and inappropriate for referees to canvass support for particular applicants. However, applicants are advised that, as a matter of courtesy, they may feel free to inform their referees that they have been nominated.

## **Withdrawal**

- 5.10 You may withdraw your application for the position of High Court Judge at any time by writing to the Secretary of the Judicial and Legal Services Commission.

## **Health Issues**

- 5.11 Applicants should be aware that any offer of appointment will be made subject to the satisfactory outcome of a medical examination. If you are aware of any health matter which might adversely affect your performance in judicial office, it would be helpful if this could be mentioned at the outset.

## **Contact Information**

- 5.12 All communication and enquiries in relation to your application should be forwarded to the Secretary of the Judicial and Legal Services Commission at the following address:

**The Secretary  
Judicial and Legal Services Commission  
Heraldine Rock Building Block B  
New Government Buildings  
P.O. Box 1093  
The Waterfront  
Castries  
SAINT LUCIA**

**Tel No.** 758 457 3600  
**Fax:** 758 451 6838

Please note that all written communication should be submitted under confidential cover and hand delivered or sent by post or courier.

## GUIDE FOR APPLICANTS

ANNEX A

### OFFICE OF HIGH COURT JUDGE OUTLINE OF TERMS AND CONDITIONS

#### 1. **General**

The following is a summary of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

#### 2. **Terms and Conditions**

A High Court Judge is liable to be assigned at any time to any territory within the jurisdiction of the Eastern Caribbean Supreme Court. The terms and conditions of service of a High Court Judge are governed by the Supreme Court (Salaries, Allowances and Conditions of Service of Judges) Order 1975 (S.I. No. 2 of 1975) as amended.

#### 3. **Tenure**

Under the provisions of the Eastern Caribbean Supreme Court Order, 1967 a High Court Judge shall hold office until he attains the age of sixty-two years provided that the Judicial and Legal Services Commission acting with the concurrence of the Heads of Government may permit a Judge to continue in his office after attaining the prescribed age for a period or periods not exceeding in the aggregate three years.

#### 4. **Salary**

A High Court Judge is entitled to an annual salary of EC\$163,800.00 together with traveling and entertainment allowances in accordance with S. I. No. 2 of 1975, as amended.

#### 5. **Pension Terms**

A High Court Judge is entitled to pension in accordance with the provisions of the Eastern Caribbean Supreme Court [Rates of Pension] [Judges] Act 1989.

#### 6. **Code of Ethics**

A High Court Judge is expected to subscribe to the Code of Ethics of the Judiciary of the Eastern Caribbean Supreme Court.