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Dear Colleagues:

It gives me great pleasure to once more bring greetings to the readers of our e-newsletter.

We live in a dynamic age. To keep abreast of the many accompanying changes we must avail ourselves of the requisite training. On-going judicial education has therefore become a necessity for our officers. Its primary objective is that of raising their professional competence with a view to making "ICEE (Independent, Competent, Efficient, Effective) judges" of all in the region.

During the week of 15<sup>th</sup> June 2003 I visited Halifax to participate in the 10<sup>th</sup> Commonwealth Justice Education Institute Conference, CJEI Intensive Study Program for Judicial Education. Participants came from Bangladesh, Pakistan, Africa and the Caribbean. Our own Chief Registrar Ianthea Leigertwood-Octave participated in the entire program, June 15 – July 3.

The Eastern Caribbean Supreme Court is committed, through our local JEI, to provide quality education and training that will enable our officers to better participate in the dispensation of justice in a fair and prompt manner.

Please send comments, suggestions and contributions to the newsletter at [appeal@candw.lc](mailto:appeal@candw.lc)



## EASTERN CARIBBEAN SUPREME COURT NEWS

### NEW FACES



*Ms. Lilith Dalphinis*



*Mr. Mark Ernest*



*Ms. Geraldine St. Croix*

The Eastern Caribbean Supreme Court's cadre of administrative officers was increased by three, in the persons of Ms. Lilith Dalphinis, Director, Judicial Education Institute; Mr. Mark Ernest, Manager, Information Technology and Ms. Geraldine St. Croix, Statistician. They have come to the organization with over thirty-five years' worth of experience in total in their various fields.

As Director of the JEI Ms. Dalphinis comes well-equipped for the task. An educator of over 20 years, Ms. Dalphinis was a senior lecturer at the Sir Arthur Lewis Community College where she lectured at both UWI and advanced levels in Psychology and English Language. A graduate of the University of London Institute of Education, she possesses an MA in Education as well as a Post Graduate Certificate in Education. She brings excellent communication and organizational skills as well as energy and enthusiasm to this post.

Mr. Ernest, M Sc. in Management Information Systems (MIS) brings the experience, and intuition necessary to facilitate the Court in its quest towards complete automation of its various resources and activities. His skills have been honed with over 10 years experience - serving as IT Specialist of the OECS Education Reform Unit; Manager, Data Management Unit, Ministry of Education; Lecturer in Management Information Systems at the Sir Arthur Lewis Community College and Research Assistant to the Professors of Computer Science and Management Studies, UWI, Mona. Mark is no stranger to the Eastern Caribbean Supreme Court, since as far back as 1997 he has offered consultancy services to the Court. He was quite instrumental in the implementation of JEMS in the Court system.

Ms. St. Croix comes to the ECSC with more than five years statistical experience, working as a statistician with the Government of St. Lucia. She holds a Bachelor

of Science degree in Business, Economics and Social Statistics from UWI, Mona, and a Master of Science in Economic Policy and Reform (Special Programme) funded by the European Union under the Lome IV Convention. Ms. St. Croix also obtained training in Project Management and was recently employed with the Government of St. Lucia as a Project Analyst. One of her major objectives is to compile a set of trend data, which can be used to assess the impact of the reform process.

We welcome these three new members as they join the team in the mission of “delivery of justice independently by competent officers in a prompt, fair, efficient, and effective manner”.

# **The Role of Statistics and its importance in the Judiciary**

## Introduction

Statistics are fundamental to the effective functioning of a democratic society. They are used by governments to develop and monitor public policy, make decisions, allocate resources and for administrative purposes. Additionally, in a plural society, statistics are used by a wide range of interest groups to press for changes to public policy. They are used too by citizens to monitor government performance and to hold government accountable. To meet these needs all users must have confidence in both the quality and integrity of official statistics. They must be fit for purpose, of high quality and relevant to the needs of society. Statistical information has proven to be an invaluable tool. Virtually every area of serious, scientific inquiry can benefit from statistical analysis.

## Role in the Judiciary

Like any other scientific realm, statistics play an important role in the judiciary. Statistics constitute an important part of the information system and as such is a central tool for the identification of strong and weak aspects of judicial systems. They help to design reforms and adopt methods, supervise the functioning of, better manage, and, in general, help in decision making for all those individuals that, in one way or another, are involved in the justice world, including those that find themselves involved not just as mere observers - the citizens.

Judicial statistics play an important role in the design and optimization of case management and case-flow systems. Judicial statistics are information, and, as such, manifest problems, alert citizens, make political processes more dynamic, help design changes, and provide a way to track these changes, amongst other things.

Caseload statistics provide a simple count of the court's activities. From these, one can derive other meaningful indicators, which can be used in policy formulation and justification for resources. Because a court case is one common unit of measurement available to all court managers, caseload statistics are the single best way to describe what courts are doing currently and to predict what they will do. Skillfully deployed caseload statistics provide powerful evidence for justifying claims to needed resources. However, like any other statistics caseload statistics are susceptible to distortions by users.

What can be done to realize the potential that caseload statistics offer for planning and policymaking? There are three priorities. First reliable statistics on the size of the active pending caseload are needed. Second, information on the number of cases that reach key stages in the adjudication process would be an addition. Third, revisions to court records systems should consider the feasibility of including information on workload burden being imposed on the court through pretrial conferences, hearings and trial settings.

The most important task in the elaboration of a judicial statistics system is its reliability. Without this nothing else makes sense. It is preferable to have little, reliable data, than lots of data filled with errors. One must therefore bear in mind the importance of collecting and providing timely and reliable data.

The Eastern Caribbean Supreme Court has begun the process of compiling monthly statistics on the activities of the courts from all Member States. To this end a statistician has been appointed, who will have among other responsibilities, that of compiling and analyzing judicial statistical information on a regular basis.

Data collection sheets were sent to all the registrars, court administrators and senior magistrates in an effort to obtain judicial statistics. The information obtained will be published periodically in our news- letter.

It should be re-emphasized that timely and reliable information is a *sine qua non*. The Eastern Caribbean Supreme Court would therefore like to request of all the courts' offices to make every effort to submit their information within the stipulated deadline.

The information you provide will benefit everyone. Help us to help you!

#### References

*Holt, D Statistics in a Democratic Society: The Role of Methodology*

*Webster, Allen Applied Statistics for Business and Economics, Pg.4*

*Justice Studies Center of the Americas, Manual on Generating', Compiling, Disseminating, and Validating Judicial Statistics and Indicators.*

*State Court Caseload Statistics, 2002: Supplement to examining the work of State Courts, 2002*

# **The Internship Programme**

## **An Historical overview**

The Internship Programme at the Eastern Caribbean Supreme Court offers Law Interns opportunities for professional growth and the development of practical skills through research and writing. The programme, which was initiated in the early 1990s, offered students of all accredited law schools an opportunity for summer placements at the court. A number of interns of the region and beyond benefited from the programme.

The programme was re-engineered in 2001 under the auspices of His Lordship, Chief Justice the Hon. Sir Dennis Byron. For the first time, a formal application process embodied the selection criteria for suitable candidates. Advertisements for two placements were lodged at the region's law schools and a judge of the Eastern Caribbean Supreme Court conducted interviews with all the applicants. Successful applicants were offered placements over three months, and paid a monthly stipend. To date seven students have benefited from the restructured programme.

## **What do the interns do?**

The Eastern Caribbean Supreme Court's internship programme immerses students in the heart of the appellate process. They perform a variety of tasks, all of which are expected to facilitate a clearer understanding of the legal profession. The programme provides interns with broad experience in numerous aspects of both the criminal and civil law; especially the court's philosophy that pervades the recently implemented Civil Procedure Rules of 2000. Interns work closely with the Chief Justice, Justices of Appeal as well as the Chief Registrar. Frequent and informal feedback is encouraged and is considered essential to an intern's duties. The complement of warm and friendly personnel enables the interns to create friendships in a relaxed environment.

Interns also work with the court's two judicial clerks in the preparation of legal memoranda, opinions and the court's digests. They learn of the demands of legal writing that comprises consultation, research, analysis and drafting. Interns observe the court's application of the recently implemented Civil Procedure Rules 2000, an aspect of Civil Procedure that was previously never taught at any of the region's Law Schools. Furthermore, interns interact with the numerous judicial officers comprising the various echelons of the Eastern Caribbean Supreme Court's judiciary.

### **This year's programme**

This year's programme has been more structured than those of the two previous years. To begin with, three interns obtained placements at the court and there was diversity in the pool. In addition to the two regional placements, the court benefited from the services of an intern who hails from the University of Toronto in Canada. As an international student, he had an opportunity to compare and contrast the West Indian legal system with that of his native country. The court also benefited from his knowledge of the law as it obtains in his jurisdiction.

The interns worked closely with and were an invaluable supplement to the court's two judicial clerks. More importantly, the Chief Registrar supervised and vetted all work prepared by the interns. For the first time, interns attended a number of Chamber Sittings where the court exercised its range of case management powers and they also assisted in the collation of the digests for these Sittings. Interaction with the Chief Justice and the other Justices of Appeal was encouraged from the onset and increased markedly throughout the duration of their internships. They have all obtained a greater appreciation for the importance of the consultative process that pervades the performance of all their tasks.

The interns have all worked hard and the court benefited immensely from their experiences. The Internship Programme enjoys a symbiotic relationship with the Court. In exchange for the intern's assistance, the court offers a hands on educational and working environment. Furthermore, the internship assisted in fostering positive public relations for the court. The programme has to date enjoyed tremendous success and the court remains deeply committed to the development of what is now an ongoing tradition.

(Please see article: *Commentary: Canada and the Caribbean Legal System- Divergence Galore?* written by one of our Legal Interns, Kamil Ahmed)

## *Commentary: Canada and the Caribbean Legal System- Divergence Galore?*

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### INTRODUCTION

The Eastern Caribbean Supreme Court<sup>1</sup> has asked this author<sup>2</sup> to compare and contrast the practice of law in Canada and the Caribbean.<sup>3</sup> Several observations must however be noted. First, this author has been a student-at-law in pan-Canadian law firms for two summers.<sup>4</sup> During this time, he primarily practiced corporate law. As he has never practiced in a Caribbean law firm, the parallels made in this commentary between Caribbean and Canadian firms are primarily founded on this author's conversations and interactions with Caribbean lawyers and judges, in addition to attending court hearings. Second, this author has never clerked at a Canadian court before, and any forthcoming comparisons are based on his understanding of the Canadian judicial system, be it in the common law or civil law traditions.<sup>5</sup> Third, this author has been asked to write this commentary from a positive approach, and accordingly, will be making relatively few normative arguments. The forthcoming analysis is quite cursory, and should be treated accordingly.

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<sup>1</sup> [hereinafter *ECSC*].

<sup>2</sup> Note about the author: Kamil Ahmed completed a Bachelor of Arts (B.A.) at Concordia University in Political Science, with minors in Philosophy and Science, a Bachelor of Civil Law (LL.B.) from the University of Sherbrooke, and will be completing his last year of the Juris Doctor (J.D.) programme at the University of Toronto in the 2003-04 academic year. He is writing this commentary in capacity of judicial clerk to His Lordship, the Hon. Chief Justice Sir Dennis Byron of the ECSC.

<sup>3</sup> For the sake of this commentary, the term "Caribbean law" will be used. However, this author recognizes that a plurality of legal systems exists within the Caribbean reflecting diverse and rich cultures.

<sup>4</sup> During the first summer, he worked at Fraser Milner Casgrain LLP. During the second summer, he worked at Blake, Cassels & Graydon LLP.

<sup>5</sup> Canada is a bi-juridical jurisdiction. The provinces of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia are common law jurisdictions [hereinafter the *Canadian common law provinces*]. The province of Quebec is the sole civilian jurisdiction in the country.

## Legal system

Like Canada, the legal system of nearly all Caribbean states is common law based.<sup>6</sup> “The countries of the Commonwealth Caribbean continue to exhibit perhaps excessive tendencies of reliance on the form, structure, substance and content of the law as expressed in England.”<sup>7</sup> Saint Lucia and Guyana are exceptions. Their legal systems can best be labeled as “hybrid,” due to respective influences of the Roman-Dutch and French civil law traditions.<sup>8</sup> Similarly, “there has been a reception of other legal systems such as Hindu, Muslim and Indian law. These traditions and customs have been incorporated into the legislation of these countries.”<sup>9</sup>

## The Eastern Caribbean Supreme Court

This Supreme Court is unique from a Canadian context because it has jurisdiction in nine states.<sup>10</sup> The ECSC is a regional appellate body established by treaty in 1967,<sup>11</sup> and has two instances. The court represents a regional integration effort, which also includes a single currency- the Eastern Caribbean dollar, and the *Caribbean Single Market and Economy* treaty.<sup>12</sup> Unlike the Supreme Court of Canada, the appellate division of the ECSC is a traveling court, that is, it travels to hearings held throughout its member-states.<sup>13</sup> The said integration can only

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<sup>6</sup> These include the nine Organization of Eastern Caribbean States [hereinafter *OECS*]: Anguilla, Antigua & Barbuda, British Virgin Islands (also known as Tortola), Dominica, Grenada, Montserrat, Saint Christopher & Nevis, Saint Lucia and Saint Vincent & the Grenadines.

<sup>7</sup> Quoted in: *Yemisi Dina*, “Guide to Caribbean Law Research” (18 November 2002), online: <[http://www.llrx.com/features/caribbean.htm#Table of Contents](http://www.llrx.com/features/caribbean.htm#Table_of_Contents)> (date accessed: 30 July 2003). Original text in: Rose-Marie Antoine, *Commonwealth Caribbean Law and Legal Systems* (London: Cavendish Publishing, 1999).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> See *supra* note 6.

<sup>11</sup> West Indies Associated States Supreme Court Order No. 223 of 1967.

<sup>12</sup> *Treaty Establishing the Caribbean Community and Common Market* (4 July 1973) [hereinafter *CSME*]. There have been numerous Protocols arising from this treaty.

<sup>13</sup> This will also increase through the commendable reform of the ECSC under the leadership of His Lordship, the Hon. Chief Justice Sir Dennis Byron. For example, proactive case management processes are currently in the formulation process which will provide citizens of all OECS states with more efficient access to justice.

augment upon the establishment of the Caribbean Court of Justice,<sup>14</sup> though this date is presently nebulous.

### **The Caribbean Court of Justice**

The structure of the Caribbean legal system is in flux, as the CCJ is currently in its advanced formative stages.<sup>15</sup> This court is structured to have two instances. It will have original jurisdiction in interpreting the CSME treaty on the one hand, and will eventually replace the Privy Council<sup>16</sup> in England as the final appellate court in nearly all Caribbean states<sup>17</sup> on the other hand. A draft agreement currently exists,<sup>18</sup> though a plethora of issues have yet to be finalized. One such issue is membership. Montserrat, Anguilla and the British Virgin Islands remain under British rule, and it is widely accepted, though there has been no official statement from London, that appeals arising from these states will continue to proceed before the Privy Council and not the CCJ.

Compelling arguments are in favor of the CCJ.<sup>19</sup> First, it would be geographically closer to its member states than the Privy Council. This proximity will provide a feeling of empowerment to citizens within the CCJ's jurisdiction. Caribbean counsel will no longer be required to cross the Atlantic Ocean to litigate their

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<sup>14</sup> [hereinafter *CCJ*].

<sup>15</sup> Although membership to the CCJ is not finalized, member-states other than the OECS countries very probably include: the Bahamas, Barbados, Belize, Jamaica, Suriname, Trinidad & Tobago, and for certain issues, Guyana. States of pure civil law jurisdictions are not included in this list because the CCJ's appellate division is a common law court.

<sup>16</sup> The Privy Council presently has jurisdiction in: Antigua and Barbuda, Bahamas, Barbados, Belize, Grenada, Jamaica, New Zealand, St. Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Tuvalu, the sovereign base area of Krotiri (in Cyprus), Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St. Helena and dependencies, Turks and Caicos Islands, Trinidad and Tobago, Dominica, Kirabati and Mauritius. Also, "[a]n appeal lies from the Court of Appeal of Brunei to the Sultan and Yang di-Pertuan - in civil cases only. By agreement between Her Majesty and the Sultan these appeals are heard by the Judicial Committee who report their opinion to him instead of to Her Majesty." See: "Jurisdiction of Judicial Committee" <<http://www.privycouncil.org.uk/output/Page32.asp> > (date accessed: 30 July 2003).

<sup>17</sup> For this reason, it may be that observations made in this article may very well require adaptation to this imminent new reality. *Supra* note 15.

<sup>18</sup> *Agreement Establishing the Caribbean Court of Justice* [hereinafter *CCJ Agreement*].

<sup>19</sup> See generally: Lloyd Barnett, "The Privy Council: The case for and against" (2001), Third Annual Sir Archibald Nedd Memorial Lecture, organized by the Grenada Bar Association.

cases in a very different land from their own. Perception of justice can thus only be improved. Second, accessibility to the courts will be bettered due to reduced costs, particularly traveling expenses and fees of English counsel. Third, the appellate court process has streamlining potential. The Privy Council frequently remands cases because local courts are better culturally suited to address a range of culturally specific issues.<sup>20</sup> This process certainly amounts to an injudicious use of resources. Fourth, it is a natural occurrence for a state to desire its own final appellate court, which stems from the right to self-determination. The developments of international human rights law<sup>21</sup> since the Second World War supports this contention, as this right is now well anchored in a plethora of international covenants and agreements.<sup>22</sup> Fifth, having a state's final appellate court in another country creates a psychological feeling of subservience.

Canada abolished its criminal and civil appeals to the Privy Council in 1933 and 1949 respectively.<sup>23</sup> It can thus be argued that the Canadian judiciary achieved full sovereignty in the latter year. This argument is further buttressed by the fact that in rare occasions, appeals were directly launched from Court of Appeals to the Privy Council, thus circumventing the Supreme Court of Canada. The Caribbean is setting on a well-trodden path already travelled by Canada, and can only learn from its success. Of course, the establishment of the CCJ has its share of opposition, as do most initiatives having momentous social impact.

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<sup>20</sup> *Johnson v. Johnson* (1992) 41 W.I.R. 91.

<sup>21</sup> [hereinafter *IHRL*].

<sup>22</sup> See for example: *International Covenant on Civil and Political Rights*, art. 1; *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States* in accordance with the *Charter of the United Nations*, adopted by the General Assembly on 24 October 1970 (General Assembly resolution 2625 (XXV)); *International Covenant on Economic, Social and Cultural Rights*, art. 1; *Charter of the United Nations*, arts. 1 & 55. To state the obvious, there are a great number of international covenants, agreements having recognized the right to self-determination which are not mentioned and/or discussed in this commentary.

<sup>23</sup> Supreme Court of Canada, "Creation and Beginnings of the Court," online: <[http://www.scc-csc.gc.ca/aboutcourt/creation/index\\_e.asp](http://www.scc-csc.gc.ca/aboutcourt/creation/index_e.asp)> (date accessed: 6 August 2003).

## The Practice of Law

The practice of law evidently differs amongst states, and varies within federal states the likes of Canada. Absolute parliamentary sovereignty clearly requires no less, as members of a legislature must do their utmost to safeguard the future and prosperity of the citizens they represent. *A fortiori*, differences in the practice of law are even more significant between jurisdictions having dissimilar political cultures, infrastructures, constitutions, economies, judiciaries, histories, *inter alia*. The analysis of each social phenomenon is necessary, as is their inter-relationship, to make comprehensive comparisons that place issues within proper context. Such study really exemplifies the inherent complexity of “real world” conditions. Unfortunately, such exhaustive analysis is beyond the scope of this commentary, but occasional reference is made to these phenomena.

### **Law firms**

The most obvious difference between Canadian and Caribbean law firms<sup>24</sup> is their size, and the natural consequences ensuing therefore. Large Canadian firms have hundreds of lawyers, which facilitates the flourishing of highly specialized legal practices. Practice groups differ from firm to firm, but generally include: Mergers & Acquisitions, Banking & Finance, Labor law, Litigation, Anti-trust law, Environmental law, Taxation, Real Estate law, Securities, Intellectual Property<sup>25</sup> and Bankruptcy/Corporate Restructuring.<sup>26</sup> To expound the obvious, Caribbean law firms do not have significant “bench power”<sup>27</sup> from a Canadian perspective because demographics and general market conditions do not require them to be. Securities, IP, general corporate matters and litigation comprise the bread and butter, so to speak, of Canadian firms. The Caribbean economy clearly

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<sup>24</sup> These are most often referred to as “chambers” in the Caribbean.

<sup>25</sup> [hereinafter *IP*].

<sup>26</sup> These are listed in a purely random order.

<sup>27</sup> This term is meant to signify a large number of lawyers.

cannot be neglected, as anti-trust, securities and corporate restructuring issues are not mainstream, unlike the Canadian corporate reality.

In the Caribbean, attorneys generally tend to be “jacks of all trade”, so to speak, who practice areas of law not naturally associated with one another in Canada. For example, litigation lawyers often practice the civil and criminal law. The consequence of the general lack of expertise is not *prima facie* salutary from a Canadian perspective, as certain fields require an expert well versed in the law’s subtleties, demonstrating doctrinal fluency, and capacity to put forward normative arguments from multiple sources.<sup>28</sup> Of course, Caribbean clients with significant resources have access to very high caliber lawyers, as they would in Canada. But generally speaking, the Caribbean bar is less specialized than in Canada. It is beyond reasonable dispute that a barrister or solicitor<sup>29</sup> practicing in a multitude of areas cannot have same fluency in a specialized area of law as an attorney uniquely practicing in this field.<sup>30</sup> This reality is further exacerbated by the fact that Caribbean counsel generally work less than their North American counterparts, which means the first have even less exposure to a specialized area of law than the latter for the same years of practice.<sup>31</sup> It seems that billable hours are more of a Canadian concern than a Caribbean one, just as it is more of an American concern than a Canadian one.

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<sup>28</sup> These include: International law, comparative law and policy.

<sup>29</sup> Caribbean law has retained the British distinction between barrister and solicitor. In Canada, every lawyer is a barrister and solicitor.

<sup>30</sup> It is not at all the contention of this commentary that Caribbean clients are not as well represented as their Canadian counterparts. Rather, this commentary argues that extremely complex matters with high stakes require specialized counsel, particularly taxation, anti-trust, corporate restructuring, mergers & acquisitions and IP.

<sup>31</sup> A counter-argument to the need for highly specialized lawyers in a litigation context would be that barrister must be able to “think on his feet,” so to speak, and practicing several areas of law facilitates such thought processes by providing a broader horizon than a highly specialized lawyer. However, it can be argued that highly specialized lawyers will foresee tangentially related issues to their cases because of their high level of expertise, and are thus more than prepared to address such issues before a judge/magistrate. The debate heretofore discussed of the specialized versus general legal practitioner dichotomy will no longer be addressed, but is the ever present reality when comparing Caribbean to Canadian counsel. The needs and resources of a particular client ultimately dictate the quality of counsel hired.

## Queen's Counsel

The designation of "Queen's Counsel"<sup>32</sup> was first conferred at the end of the sixteenth century.<sup>33</sup> It "was granted more frequently and came to be seen as a bestowal of rank on an individual rather than as an engagement of forensic assistance for the Crown."<sup>34</sup> Being a Queen's Counsel in the Caribbean constitutes a significant achievement, as it does in Canada.<sup>35</sup> However, knowledge of the designation by Canadian students and young attorneys is far less than by their Caribbean counterparts. The two largest provinces in Canada, Quebec and Ontario, have in fact not made such appointments since 1976 and 1985 respectively,<sup>36</sup> while the practice still exists in the other eight Canadian provinces. Similarly, the Canadian government last appointed a QC in 1993.<sup>37</sup> Generally speaking, many Canadians view the designation as an undesirable British remnant on Canadian law, which explains the active debate on whether it should be conferred at all.<sup>38</sup> The Commonwealth Secretariat in London conducted a study of the appointment of QCs in 1981. Though variances exist, the practice is generally alive and well in the Commonwealth.<sup>39</sup> The practice still exists in England and the Caribbean for the most part closely follows its legal

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<sup>32</sup> [hereinafter *QC*].

<sup>33</sup> *Constitutional Reform, the future of Queen's Counsel*, Department for Constitutional Affairs (U.K.), Consultation Paper 08/03, <<http://www.lcd.gov.uk/consult/qcfuture/qc.pdf>> July 2003 (date accessed: 30 July 2003) at 6.

<sup>34</sup> Master Baker, "On Taking Silk: 1594 to 1996" in *The Inner Temple Yearbook* 1996-1997 at 43.

<sup>35</sup> See Bora Laskin, *The British Tradition in Canadian Law* (London: Stevens and Sons, 1969) at 28-30.

<sup>36</sup> <<http://www.gov.mb.ca/justice/qc/canada.html>>. However, Ontario has not as of yet repealed the legislation enabling it to do so: *Barristers Act*, R.S.O. 1990, c. B-3.

<sup>37</sup> *Ibid.*

<sup>38</sup> See William Renwick Riddell, "The First and Futile Attempt to Create a King's Counsel in Upper Canada" (1920) *Canadian Law Times* 11; *Winnipeg Tribune*, "End the Appointment of Q.C.'s or Change the System, Lawyers Say" (3 March 1971); Cristin Schmitz, "Rock Seeking Reforms to End Patronage for Feds Judicial, Q.C Appointments" *The Lawyers Weekly*, vol. 13 (14 January 1994) 1; John A. Jones, "To Q.C. or not to Q.C.," *Headnotes and Footnotes* (Manitoba Bar Association: February, 2000) 3.

<sup>39</sup> See Commonwealth Secretariat, "The Practice relating to the Appointment of Queen's Counsel and Senior Counsel in some Commonwealth Jurisdictions" (London: Commonwealth Secretariat, 1981).

developments.<sup>40</sup> This reality is likely exacerbated by the fact that the Privy Council continues to have jurisdiction in most of the Caribbean<sup>41</sup>— the designation of QC was far more significant in Canada’s past when English influence was greater.<sup>42</sup>

### Legal Training

In the Canadian common law provinces and the United States, students are generally required to complete a four-year undergraduate degree prior to attending law school, which lasts three years.<sup>43</sup> A relatively high undergraduate grade point average is required, as is a competitive Law School Admission Test score for admission to North American law schools. It is indeed quite common for entering law students to have graduate degrees, including doctorates. This provides for a highly qualified North American bar, as law students have a generally high level of intellectual maturity, given stringent admission requirements.<sup>44</sup>

Caribbean law students are not required to have completed undergraduate degrees and are generally admitted to law school directly from high school. This is similar to the civilian tradition in the province of Quebec, but is a most foreign concept to Canadian/American students. Required years of schooling to practice law in the Caribbean differ depending on where one obtained his or her law degree. Holders of British degrees generally have shorter bar school

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<sup>40</sup> *Ibid.*

<sup>41</sup> See *supra* note 16 for further detail.

<sup>42</sup> Whether this trend will develop is mere speculation and far beyond the scope of this commentary.

<sup>43</sup> However, completing joint common law and civil law degrees generally takes 4 years.

<sup>44</sup> For example, the University of Toronto law school is generally recognized as Canada’s best law school. These are some statistics for newly accepted first year students in the 2002-03 academic year: these were 1,800 applications for 170 spots; the median LSAT score was 165 (94<sup>th</sup> percentile); the median undergraduate Grade Point Average was 3.80 and the average age was 25. See University of Toronto, Faculty of Law, “About our Students,” online: <[http://www.law.utoronto.ca/prosp\\_stdn\\_content.asp?itemPath=3/4/0/0/0&contentId=491](http://www.law.utoronto.ca/prosp_stdn_content.asp?itemPath=3/4/0/0/0&contentId=491)> (date accessed: 6 August 2003).

requirements than Caribbean law graduates. To practice law in St. Lucia for example, students attend law school during three years to receive a Bachelor of Laws (LL.B.),<sup>45</sup> and then attend bar school for two years. In Canada, four years of undergraduate studies, three years of law school, four months of bar school,<sup>46</sup> in addition to a ten-month articling period must be completed to practice law.<sup>47</sup> Therefore, it generally takes a minimum of five years to practice law after high school in the Caribbean, and some seven years in Canada.<sup>48</sup>

The question of the differing legal education methodologies in Canada and the Caribbean is an interesting one.<sup>49</sup> First, it can be argued that the Caribbean legal system better educates attorneys in the long-term because the best law school training is in the practice of law. Caribbean law students receive two more years of legal training than their North American counterparts on the one hand, and enter practice two years earlier on the other hand. Caribbean training thus amounts to four extra years of legal training,<sup>50</sup> be it academic or practical, which is certainly not negligible. Second, the practice of law is quite complex and a plethora of issues require analysis. Law transcends nearly all aspects of society in one way or in another. The argument in favor of prior training to law school is the necessity of multi-disciplinary education to adapt to the world's inherent complexity. This is particularly true when lawyers have undergraduate/graduate training in business for corporate law, science for IP, international relations for international law, and disciplines of the like.

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<sup>45</sup> This degree is known as Juris Doctor (J.D.) in the United States. All Canadian law schools give the LL.B. degree, except for the University of Toronto which confers the J.D.

<sup>46</sup> The 4 months of bar school take place in the summer, immediately after one's last year of law school. Quebec's bar school lasts some 8 months.

<sup>47</sup> An articling period is a phase of pupillage, where students supervised by principals rigorously train to be called to the bar. These are the requirements that exist in Ontario, but most of the Canadian provinces except Quebec have similar rules.

<sup>48</sup> The seven years in Canada excludes the ten-month articling period because articling students are working in the field of Law.

<sup>49</sup> This commentary is not addressing which legal training is better. The issues raised here are only general introductory remarks on the subject matter.

<sup>50</sup> Two years of bar school and two years of entering practice at an earlier moment.

Moreover, certain legal schools of thought exist where prior training is indeed important. For example, the law and economics movement is the most popular analytical framework in the United States.<sup>51</sup> A background in economics is without doubt opportune.

## CONCLUSION

The practice of law in Canada and the Caribbean are quite different. However, one system cannot be adjudged better or worse than the other, without a comprehensive study analyzing a multiplicity of factors, which needless to say is beyond the scope of this commentary. If history has taught humanity any one thing, it must be that differences do not *prima facie* amount to superiority/inferiority. To conclude otherwise would constitute an egregious fallacy, leading humanity on a slippery slope of the draconian and inhumane.

The Canadian and Caribbean legal systems, it would seem, are on similar evolutionary paths. Canada has had a self-sufficient legal system since 1949,<sup>52</sup> year in which all appeals to the Privy Council were abolished. Caribbean island states on the other hand have developed a system of increased regional harmonization that includes a common supreme court,<sup>53</sup> development of the CCJ that will replace the Privy Council relatively soon, and common currency.<sup>54</sup> There are clearly marked differences between the two legal systems. Canada has a more specialized bar given the large size of large firms and general market conditions. Also, the British influence is remarkably higher in the Caribbean than in Canada, partly because the Privy Council still has jurisdiction. The designation and high status of QC's demonstrates this particular legal culture which once existed in Canada as well. Similarly, Caribbean law students are generally directly admitted from high school to law school, which follow the educational requirements of the British system. North American schools have established more onerous requirements to accede to the bar, for better or for worse.

This being said, it is incorrect to only note differences between legal systems, as numerous similarities also exist. The common law tradition is entrenched in both regions; *Donoghue v. Stevenson*,<sup>55</sup> *Hedley Byrne & Co. v. Heller & Partners Ltd.*,<sup>56</sup> and *Carlill v. Carbolic Smoke Ball Co.*<sup>57</sup> cases are all landmark cases in both

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<sup>51</sup> Anthony T. Kronman, "The Second Driker Forum for Excellence in the Law" (1995) 42 Wayne L. Rev. 115 at 160.

<sup>52</sup> Despite the fact that it was founded in 1867. *Supra* note 23.

<sup>53</sup> The ECSC.

<sup>54</sup> The Eastern Caribbean dollar.

<sup>55</sup> [1932] All ER Rep 1; [1932] AC 562.

<sup>56</sup> [1964] A.C. 465.

<sup>57</sup> [1893] 1 QB 265.

jurisdictions. Furthermore, the practice of law is a noble endeavor predicated on integrity, the intellect and justice. These traditions link all Commonwealth states together, and it would be improper to label observable differences between legal systems as a divergence galore.

Time will only tell the direction in which the Caribbean legal system develops. But to be sure, it is an exciting period to study law in the Caribbean, be it as a student, attorney, judge, politician, or professor. These pupils all possess the potential of influencing the judicial process in the many years to come, albeit to varying degrees. The CCJ represents the direction of some of these changes, which will in this author's opinion, allow it to be an eventual player at the world stage through its case law. There can be no doubt to the adage "there is strength in numbers," where the CCJ will likely have final appellate jurisdiction in some fifteen countries, give or take a few.<sup>58</sup> The strong institutional design of the said court can be seen in the nomination process of judges foreseen at Article IV and V of the *CCJ Agreement*. This procedure will without doubt be one of the foremost in the world, where a Judicial Service Commission<sup>59</sup> composed of eleven impartial people collectively nominate the justices.<sup>60</sup> This easily embodies judicial independence far better than the more political appointments of the highest courts in the United States, Canada, South Africa,<sup>61</sup> Australia and the United

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<sup>58</sup> This is certainly one of the reasons the Privy Council has had such clout historically. See *supra* note 16 for the current jurisdiction of this court.

<sup>59</sup> South Africa makes use of this commission as well, amongst others.

<sup>60</sup> Article V of the *CCJ Agreement* states that the Public Service Commission is composed as follows:

- (a) the President who shall be the Chairman of the Commission;
- (b) two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;
- (c) one Chairman of the Judicial Services Commission Party selected in rotation in the English alphabetical order for a period of three years;
- (d) one Chairman of the Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;
- (e) two persons from civil society nominated jointly by the Secretary-General of the Community of Director General of the OECS for a period of three years following consultations with regional non-governmental organizations;
- (f) two distinguished jurists nominated by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and
- (g) two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.

<sup>61</sup> This includes the procedures for the Supreme Court of Appeal and Constitutional Court.

Kingdom.<sup>62</sup> Such is the benefit of studying comparative law because it allows the adoption and rejection of the very best and worst concepts. One can only await the final establishment of the CCJ with anticipation, amongst other developments.

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<sup>62</sup> This includes the House of Lords and Privy Council.

## JUDICIAL EDUCATION INSTITUTE

### Greetings

Talk about the phrase “hit the ground running”! Well as the new Programme Director for the Judicial Education Institute (JEI), this is exactly what I have found myself doing.

It is an exciting time to come on board. The ECSC is well on its way to grappling with the implementation of a multitude of reform initiatives, which it has committed to, and the JEI, as the training and educational support dimension of the Court, is too, in a very maturational stage of development. It means therefore that the potential for sober reflection, evaluation, strategic planning and consolidation is tremendous.

Some of the directions in which the JEI hopes to move in the upcoming year would include, expanding our Distance Learning capabilities, especially through Information Technology mediums such as; interactive discs, teleconferencing, (including PC based Video Conferencing), as well as the more traditional mediums, and of course, in deepening its effectiveness in raising the standard of public discussion/awareness with regard to the judiciary.

Programmes in the pipeline for the near future include: a Headnotes Writing Programme, an Orientation Programme for new Judges, and an Audio Recording Workshop.

**Lilith B. Dalphinis**  
**Programme Director**

## Judicial Training



The Judicial Education Institute has continued to carry out one of its main objectives, that is providing continuous educational training to judicial officers to improve the administration of Justice in the region. This month the JEI hosted three training programs, the first of which was the *Reengineering JEI for the Future* workshop held on August 8, 2003, the *Audio Recording* workshop held from August 18 - 21, 2003 and the *2<sup>nd</sup> Orientation Program*, for newly and recently appointed judicial officers, from August 20 - 22, 2003.

Apart from the abovementioned workshops the JEI also organized a Rules Review Committee Meeting on August 16<sup>th</sup> to 17<sup>th</sup>, 2003.

### **JEI “Reengineering for the future”**

Chief Registrar Ianthea Leigertwood-Octave, a recent graduate of the Commonwealth Judicial Education Institute program for Judicial Educators, in Halifax, Nova Scotia conceptualized this programme.

The participants of the workshop included members of the Judiciary, members of the ECSC Court staff, OECS Bar Association, the St. Lucia Bar Association, the principal of the Hugh Wooding Law School, Judge Annestine Sealy, Trinidad and Tobago, the local Magistracy, the religious community and the media.

The facilitators of the workshop were Hon. Chief Justice, Sir Dennis Byron, Chairman of the OECS JEI Hon. Justice Adrian Saunders and Mrs. Ianthea Leigertwood-Octave, all graduates of the Commonwealth Judicial Education Institute program for judicial educators.

The objectives of the workshop were to:

- ❑ **Identify the functions and definition of judicial education**
- ❑ **Relate judicial education to judicial reform**
- ❑ **Complete a draft judicial education objectives and standards for the ECSC**
- ❑ **Identify the functions of the Judicial Education Institute, and**
- ❑ **Identify essential elements for designing a program session**

During the discussions many of the participants felt that judicial education and judicial reform are interrelated. One of the items on the agenda was for participants to design an Orientation Program for Judges. The participants were broken down into groups, and from the reports did excellent in producing a programme for judges.

Reflecting on the comments from the evaluations many of the participants felt that the workshop was a worthwhile exercise and many more activities like this one should be organized not only for judicial officers but also members of civil society.

#### **Audio Recording Workshop August 18 – 21, 2003**

The purpose of training Judicial Officers in the area of audio recording was to modernize the archaic methods of note taking to the more efficient and productive environment that audio recording can provide.

Audio Recording in the administration of justice will reduce the time taken for each trial and will also allow the trials to be conducted at normal conversational pace. In addition audio recording will also help to eliminate the practice of taking notes by hand which is very tedious and time consuming. Audio recording will therefore allow the judge more time to listen to cases rather than, as previously occurred, having his attention shared between note-taking and listening.

To ensure that Audio recording remains a permanent fixture within the Court system, efforts have been made to modify the existing legislation to facilitate the use of mechanical/electronic means of recording the proceedings.

Hon. Joseph A. Falcone, Assignment Judge, Jeffrey Newman, Chief Reporting Services and Deputy Clerk Appellate Division and Mr. Collins Ijoma, Trial Court Administrator all from the Superior Court of New Jersey facilitated the programme.

The workshop was sponsored through the kind financial support of CIDA and USAID to whom the JEI is eternally grateful, since, without the support of these funding agencies, hosting of such training programs would be impossible.

Based on reviews from some of the participants, the workshop was very successful. Many expressed the view that Audio recording is crucial to the successful implementation of this aspect of reform, and that training in this area should be an ongoing process.

### **Orientation Programme for Judicial Officers August 20 – 22, 2003**

This programme was held for the newly and recently appointed Judges of the Eastern Caribbean. This programme was the third of its kind that the JEI has hosted for Judges and Masters of the ECSC.

The orientation programme was another opportunity for the more experienced judges, especially those graduates of the Commonwealth Judicial Education Institute in Halifax, Nova Scotia, to share their knowledge, skills and collective wisdom, with their newly appointed colleagues.

The judges received training in Case flow Management, Court Performance Standards, Independence of the Judiciary, Judicial Accountability, Terms and Conditions of Service, Code of Ethics, Sentencing and Team Building.

Reviewing the evaluations, the participants are of the opinion that such training is vital before they begin their journey on the bench.

**Alana Simmons**

## CONFERENCES, SEMINARS & WORKSHOP

### CJIE INTENSIVE STUDY PROGRAMME FOR JUDICIAL EDUCATORS Canada, June 15 - July 5, 2003

The Eastern Caribbean Supreme Court once again participated in the annual Commonwealth Judicial Education Institute [CJIE] Intensive Study Programme [ISP] for Judicial Educators, which took place in Canada from June 15-July 5, 2003. Chief Registrar, Ianthea Leigertwood-Octave, represented the Court with funding assistance from the OECS/CIDA JLR Project.

The ISP is the flagship programme of the CJIE, which is now under the presidency of Chief Justice, Sir Dennis Byron. This year, 11 participants representing the judiciaries of Bangladesh, Ghana, Jamaica, Trinidad and Tobago and the Eastern Caribbean attended the 3-week programme, which comprised of 2 weeks in Halifax, Nova Scotia and a 1-week study tour in Ottawa and Kingston.

The programme was presented through a combination of lectures, interactive sessions, individual and group presentations and assignments. Sessions in Halifax were held at the Weldon Law Building, Dalhousie Law School, the home of CJIE.

CJIE faculty including Chief Justice Byron and Judge Sandra Oxner facilitated topics such as Objectives and Scope of Judicial Education/Reform, Programme Design & Session Planning, Effective Judicial Education Tools and Judicial Education Resources. World -renowned experts in their fields, Prof. Gordon Zimmerman, Prof. James Raymond and Teresa MacNeil presented sessions on Communication in the Courtroom, Judgment Writing and Providing Instruction for Adults respectively. Computer and Power Point Training were also available to the participants.

Although the participants worked hard and long hours, the programme's facilitators ensured that there was sufficient opportunity for the participants to enjoy the beautiful city of Halifax and all its multicultural and historical beauty. This included a tour of the city, dinner with the Chief Justice of Halifax at one of the city's oldest social clubs, reception by the Lt. Governor at her annual garden party and a Nova Scotia lobster dinner, bibs included. Members of the Caribbean community in Halifax also extended warm hospitality to the participants from the region.

The study tour component of the programme included sessions at the Canadian Judicial Council, the Office of the Commissioner of Federal Judicial Affairs and the Supreme Court of Canada. In Ottawa, the group was greeted at the Ontario Court of Justice by the familiar faces of Senior Justice James Chadwick and Master Robert Beaudoin, who made presentations on the civil justice reform process in Ontario, with emphasis on case management and the mandatory mediation process.

At the end of the programme, participants returned to their countries as part of a network of Commonwealth judicial educators, knowledgeable in judicial education techniques and methodology and equipped to deliver judicial education curricula supportive of contemporary judicial reform. Today, the Eastern Caribbean can boast of several beneficiaries of the CJEI training, who continue to strengthen the judicial education component of our judiciary.

### **COURT ADMINISTRATION WORKSHOP**

On Wednesday 9<sup>th</sup> July, 2003, the Judicial Education Institute organized a workshop on Court Administration in Grenada. The workshop was held at the Spice Island Resort. The objective was to explain the role and function of the department of court administration in the context of the Supreme Court's reform programme and to entertain discussion on the same.

The resource persons for the workshop were the Hon. Chief Justice, Sir Dennis Byron, Justice of Appeal Adrian Saunders and Court Administrator of the ECSC, Mr. Greg Girard. Among those attending the workshop were the resident Judges in Grenada, Hon. Justice Kenneth Benjamin and Madame Justice Charmaine Pemberton, Registrar of the Grenada High Court Mr. Robert Branch, a number of staff members from the Grenada High Court, a delegation from the Bar Association of Grenada and Ms. Beryl Isaac, Permanent Secretary in the Dept of Human Resources and Mr. Timothy Antoine, Permanent Secretary in the Ministry of Finance.

The workshop was opened by Justice Saunders who thanked the participants for making themselves available for the workshop at such short notice. He stressed the importance of employing effective strategies for court administration and explained out why the area of court administration was of such great concern to the ECSC at this time.

Hon. Chief Justice, Sir Dennis Byron then made a Power Point presentation, "Court Administration and the Reform Programme", to the participants. The presentation gave a historical overview of the development of court administration measures in the ECSC. His Lordship revealed that the Court's headquarters had gone from a staff of five (including the three appellate judges) in 1990 to a staff of over twenty persons just 13 years later. The Chief Justice also spent some time outlining the contours of the court's reform programme. This presentation was extremely well received and was listened to with rapt attention. It also set the stage for Mr. Girard's presentation on "Role and Function of the Supreme Court Headquarters and the Trial Court Administrators" which also was done on power point.

Mr. Girard focused on defining the various areas of responsibility that fell within the ambit of the court administrator. He spent some time examining the role and function of the court administrator both at the appellate and the trial court level.

Following the presentations there was a lively round of discussion and a Group Exercise, which looked at the Trial Court Performance Standards developed by the National Center for State Courts.

The President of the Grenada Bar Association, Mr. Ruggles Fergusson, addressed the group on specific concerns of the Grenada Bar, and the session came to a close with brief closing remarks from Chief Justice Byron and Justice Saunders.

**Judicial Appointments for the period  
July 1 – August 31, 2003**

**Eastern Caribbean Supreme Court**

- [1] Appointment of **His Lordship, the Hon. Justice Brian Alleyne, SC** as a Justice of Appeal of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> September, 2003.
  
- [2] Appointment of **His Lordship, the Hon. Justice Ephraim Georges** to act as a Justice of Appeal of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> to 31<sup>st</sup> July, 2003.
  
- [3] Appointment of **Ms. Janice Mesadis George-Creque**, Barrister-at-Law, Tortola as a High Court Judge of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> September, 2003.

Ms. George-Creque will be assigned to Anguilla/Montserrat.

- [4] Appointment of **Ms. Louise Esther Blenman**, Solicitor General, Attorney General's Chambers, St. Lucia as a High Court Judge of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> September, 2003.

Ms. Blenman will be assigned to St. Vincent and the Grenadines.

- [5] Appointment of **The Hon. Justice Albert Matthew**, Retired Judge to act as a High Court Judge of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> October, 2003.

During his assignment, Justice Matthew will be expected to primarily deal with matters under the Land Title Legislation in the Commonwealth of Dominica and St. Kitts and Nevis.

- [6] Appointment of **Mr. Othniel Sylvester, QC**, Barrister-at-Law, St. Vincent and the Grenadines to act as a High Court Judge of the Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> August, 2003.

During his assignment, Mr. Sylvester will be expected to primarily deal with matters under the Land Title Legislation in the Commonwealth of Dominica and St. Kitts and Nevis.

## Antigua and Barbuda

- [6] Appointment of the following persons to serve as Members of the Industrial Court for a term of three [3] years:

*with effect from 15<sup>th</sup> April, 2003 to 14<sup>th</sup> April, 2006*

<b>Mr. Cyril Maundy</b>	President
<b>Mr. Edward T. Henry</b>	Member
<b>Mr. Hubert Hood</b>	Member

*with effect from 1<sup>st</sup> July, 2003 to 30<sup>th</sup> June, 2006*

<b>Mrs. Nelleen Rogers Murdoch</b>	Member
<b>Ms. Genevieve Benjamin</b>	Member
<b>Mr. Ian Shoul</b>	Member

- [7] Appointment of **Ms. Laurie Freeland-Roberts**, Deputy Registrar, Registrar's Division to act as Registrar for the period 1<sup>st</sup> to 8<sup>th</sup> July, 2003 vice Mrs. Sanyu Richards.

## Commonwealth of Dominica

- [8] Approval of the following, in accordance with Section 90 of the 1978 Constitution of Dominica:

- ◆ **Mr. Reginald Winston** to continue to act in the office of Registrar, Registrar General and Provost Marshal for the period 1<sup>st</sup> July to 4<sup>th</sup> August, 2003 in a vacant post;
- ◆ **Ms. Sandra Julien** to act in the office of Registrar, Registrar General and Provost Marshal for the period 22<sup>nd</sup> to 28<sup>th</sup> June, 2003 vice acting holder Mr. Reginald Winston who will be attending a meeting in Jamaica;
- ◆ **Ms. Sandra Julien** to act in the office of Registrar, Registrar General and Provost Marshal for the period 5<sup>th</sup> August to 9<sup>th</sup> September, 2003 in a vacant post;
- ◆ Termination of acting appointment in favour of **Mr. Reginald Winston** as Registrar, Registrar General and Provost Marshal for the period 22<sup>nd</sup> to 28<sup>th</sup> June, 2003 who will be attending a meeting in Jamaica.

- [9] Appointment of **Mr. Ronald O. P. Armour**, Magistrate to act in the office of Chief Magistrate with effect from 5<sup>th</sup> to 22<sup>nd</sup> August, 2003 vice Mrs. Joan Joyner who proceeded on vacation leave.

#### **Grenada**

- [10] Appointment of **Mr. Samuel Forde** to act as Magistrate, Southern District with effect from 21<sup>st</sup> August, 2003 vice Ms. Oforiwa Augustine who proceeded on forty-one [41] days vacation leave.

#### **St. Christopher and Nevis**

- [7] Appointment of **Ms. Donna Amanda Harris** as Crown Counsel, Ministry of Justice and Legal Affairs.

#### **Saint Lucia**

- [8] Appointment of **Mr. Percy Mootoo** as Magistrate for the period 1<sup>st</sup> December, 2001 to 31<sup>st</sup> March, 2002.
- [9] Appointment of **Ms. Christine Emmanuel-Phulchere** to the post of Magistrate I, First District Court [Family Court] for a period of one [1] year with effect from 29<sup>th</sup> July, 2003.
- [10] Appointment of **Ms. Georgis Taylor-Alexander** as Senior Crown Counsel on contract for a period of two [2] years with effect from 1<sup>st</sup> August, 2003.

#### **Saint Vincent and the Grenadines**

- [11] Appointment of **Mr. Carl Joseph** as Senior Magistrate/Vice President, Family Court on contract for a further period of one [1] year with effect from 1<sup>st</sup> July, 2003.

## **WRITTEN JUDGMENTS**

The following are written judgments available for the months of  
**July & August 2003:**

### **HIGH COURT JUDGMENTS**

#### **ANTIGUA & BARBUDA**

**Hog John Bay Development Ltd v The Proprietors Condominium Plan No 20  
of 1989**

Antigua & Barbuda

**Suit No. ANUHCV334/2001**

Joseph-Olivetti, J.

Delivered: 04/07/03

**Keithroy Philip v Walter Armstrong et al**

Antigua & Barbuda

Civil Suit No ANUHCV1997/0135

Mitchell, J.

Delivered: 19/08/03

**Keithroy Romeo Shaw v Cynthia Dorothy Shaw**

Antigua & Barbuda

Civil Suit No MISC118/1995

Mitchell, J.

Delivered: 19/08/03

**Orel James Benjamin v Irisdene Benjamin nee Bowers**

Antigua & Barbuda

Civil Suit No ANUHCV2002/0431

Mitchell, J.

Delivered: 19/08/03

**Joy Ann Matthew v Patrick Christian et al**

Antigua & Barbuda

Civil Suit No ANUHCV1998/0123

Mitchell, J.

Delivered: 19/08/03

**BRITISH VIRGIN ISLANDS**

**Dennis Alphonso et al v Bruce Wong et al**

B.V.I

**Suit No. 070/1998**

d' Auvergnès, J.

Delivered: 04/07/03

**The Queen v Willis Todman**

B.V.I

**Criminal Case No. 8/2003**

d' Auvergnès, J.

Delivered: 11/07/03

**Kathleen McNally v Eric Lotte et al**

B.V.I

**Claim No. BVIHCV2001/0068**

Rawlins, J.

Delivered: 02/07/03

**Ethlyn Smith v Delores Christopher et al**

B.V.I

**Claim No. BVIHCV2002/0097**

Rawlins, J.

Delivered: 23/07/03

**ST CHRISTOPHER & NEVIS**

**IMT Trust Company Ltd. v Walter Thomas Woods et al**

B.V.I

Claim No. BVIHCV2003/0026

Rawlins, J.

Delivered: 12/08/03

**ST. CHRISTOPHER & NEVIS**

**Director of Public Prosecutions v Khoy Jeffers et al**

St. Christopher & Nevis

**Criminal Case No. SKBHCR2003/0028**

Baptiste, J

Delivered: 02/07/03

**Joseph Lawrence Maynard et al v Michelle Kalski et al...**

St. Christopher & Nevis

**Claim No. NEVHCV2003/0026**

Baptiste, J

Delivered: 08/07/03

**The Attorney General of St Christopher and Nevis et al v Queensway Trustees Limited**

St. Christopher & Nevis

**Claim No. NEVHCV 2002/0015**

Baptiste, J

Delivered: 08/07/03

**Government of the United States of America v Noel Heath et al...**

St. Christopher & Nevis

**Misc Suit No. 31/1997**

Baptiste, J

Delivered: 09/07/03

**Muriel Unella Archibald v George Thomas Archibald**

St. Christopher & Nevis

**Divorce Suit No. 05/1996**

Baptiste, J

Delivered: 10/07/03

**Emilio Rivera v Quantum Group Limited et al**

St. Christopher & Nevis

**Claim No. NEVHCV2000/0005**

Edwards, J

Delivered: 11/07/03

**Cecil Huggins v T.D.C. (Nevis) Limited**

St. Christopher & Nevis

**Claim No. NEVHCV2001/0096**

Edwards, J

Delivered: 11/07/03

**ST. LUCIA**

**ST. LUCIA**

**The Queen v Norman La Corbiniere**

St. Lucia

**Case No. 35 of 2002**

Hariprashad-Charles, J.

Delivered: 10/07/03

**Cable & Wireless (West Indies) Limited v The National Telecommunications  
Regulatory Commission**

St. Lucia

**SLUHCV2003/0196**

Hariprashad-Charles, J.

Delivered: 14/07/03

**Lawrence Eleuthere et al v Linda Esnard**

St. Lucia

**SLUHCV2002/0407**

Hariprashad-Charles, J.

Delivered: 17/07/03

**Auguste Augustin v Matthew Monroe**

St. Lucia

**Claim No. 542 of 1999**

Hariprashad-Charles, J.

Delivered: 22/07/03

**Parry Husbands v Fessal Holdings Limited**

St. Lucia

**SLUHCV2002/1193**

Hariprashad-Charles, J.

Delivered: 25/07/03

**Rogence Louis et al v Patrick St. Liss et al**

St. Lucia

**Claim No. 302/1998**

Hariprashad-Charles, J.

Delivered: 28/07/03

**People's Discount Drugs Limited et al v Richard Frederick et al** consolidated  
with **Parry Husbands v St.Lucia Electricity Services Limited etal** consolidated  
with **Alberton Richelieu v St.Lucia Electricity Services Limited etal**  
St. Lucia

**SLUHCV2002/1144; SLUHCV2003/0073; SLUHCV2003/0345**

Hariprashad-Charles, J.

Delivered: 29/07/03

**Phoenix Services Limited et al v Global Cargo Services Limited**

St. Lucia

**SLUHCV2003/0600**

Hariprashad-Charles, J.

Delivered: 18/08/03

## EASTERN CARIBBEAN SUPREME COURT

Deleted: ¶  
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As at 31<sup>st</sup> July 2003

The Chief Justice  
His Lordship, the Hon. Chief Justice, Sir Dennis Byron – Saint Lucia

### Justices of Appeal

His Lordship, the Hon. Justice Albert Redhead – Saint Lucia  
His Lordship, the Hon. Justice Adrian Saunders – Saint Lucia

### High Court

Her Ladyship, the Hon. Justice Suzie d’Auvergne – British Virgin Islands  
His Lordship, the Hon. Justice Dunbar Cenac – Commonwealth of Dominica  
His Lordship, the Hon. Justice Kenneth Benjamin – Grenada  
His Lordship, the Hon. Justice Brian Alleyne, SC – St. Vincent & The Grenadines  
His Lordship, the Hon. Justice Don Mitchell, QC – Antigua & Barbuda  
Her Ladyship, the Hon. Justice Indra Hariprashad-Charles – Saint Lucia  
His Lordship, the Hon. Justice Frederick Bruce-Lyle – St. Vincent & The Grenadines  
Her Ladyship, the Hon. Justice Charmaine Pemberton – Saint Lucia  
His Lordship, the Hon. Justice Hugh Rawlins – British Virgin Islands  
His Lordship, the Hon. Justice Davidson Baptiste – St. Christopher & Nevis  
Her Ladyship, the Hon. Justice Ola Mae Edwards – Anguilla; Montserrat  
Her Ladyship, the Hon. Justice Rita Joseph-Olivetti – Antigua & Barbuda  
His Lordship, the Hon. Justice Denys Barrow, SC [Ag.] – Grenada  
His Lordship, the Hon. Justice Murray Shanks [Ag.] – Saint Lucia

Master Brian Cottle  
Master Cheryl Mathurin

Mrs. Ianthea Leigertwood-Octave, Chief Registrar - Saint Lucia

