



GREETINGS FROM THE CHIEF JUSTICE

Dear Reader:

Once again I am pleased to be able to address you on the occasion of the publication of the Court's newsletter. The month of October was a pretty busy one, the highlight of which, for me, was an invitation to attend and address the annual meeting of Heads of State of the Caribbean Community at the St. Kitts Marriott Royal Beach Resort. It was my pleasure and privilege to address our Presidents and Governors-General on the topic, *Facing The Challenges Of Good Governance*. I addressed primarily the question of whether the Head of State in the Caribbean Community is merely a ceremonial onlooker, and drew attention to the many important functions, which our Heads of State are empowered to perform, independently or after consultation, under the several Constitutions. I addressed the question of good governance, the roles of the Heads of State and the Court in ensuring good governance, and dealt briefly with issues, which are still debated concerning the imminent establishment of the Caribbean Court of Justice.



I expressed my dismay that the body most critical of the CCJ is the legal profession, and emphasized that all judges of the Court except the President will be appointed by an independent Regional Judicial Services Commission comprised of 11 persons; the Chairman being the President of the Court; two members selected jointly by OCCBA and the OECS Bar Association; two members selected by the regional Bar Associations; two distinguished jurists jointly selected by the Deans of the Law Schools and the Chairman of the Council of legal Education; two people from Civil society jointly selected by the Director General of CARICOM and the Director General of the OECS; the Chairman of one regional Judicial and Legal Services Commission on a rotation basis, currently the Chief Justice of Barbados; and one Chairman of a Public Service Commission, on a rotation basis. The President of the Court will be appointed by the Heads of Government, but the power of appointment is limited to a person nominated by the Judicial Services Commission.

It can be seen that the appointing body is overwhelmingly dominated by the practicing legal profession. The political directorate has no direct input into the selection of judges, and any indirect influence, which may be inferred, is minimal.

During the month the Court of Appeal sat in Tortola, British Virgin Islands, and in St. Lucia. There were a number of judicial education activities, and activities in pursuance of the judicial reform program of the Court, including a meeting of the Draft Probate Rules Committee, and one concerning Court structures, examining the ramifications of establishing separate divisions of the Court.

The work of the Court continues.

Please send comments, suggestions and contributions to the newsletter at appeal@candw.lc

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EASTERN CARIBBEAN SUPREME COURT NEWS

Draft Probate Rules Meeting

An inaugural meeting of the draft probate rules committee was held at the Caribbean Jewel Beach Resort, St. Lucia on Friday October 17 2003 from 10:30 a.m.

This meeting was intended to review the draft probate rules completely in order to have a document that could be signed, and implemented.

The objectives of the meeting were therefore to:

1. Review the Draft Probate Rules
2. Review the Recommendations for Legislative Drafting.

The meeting brought to the forefront the importance of having model legislation on probate practice for the OECS territories that will be used to improve the social, commercial and family lives of our community.

The Chief Justice, His Lordship, the Honorable Sir Dennis Byron highlighted the need to ensure that forms for the probate practice rules are compatible with electronic filing. He also noted that these rules are ultimately to be consolidated with the CPR in one binder along with Commercial, Small Claims and Admiralty Rules.

The following persons were invited to be members of the Committee:

1. His Lordship, The Hon. Sir Dennis Byron, Chief Justice
2. Hon. Justice Albert Redhead, Justice of Appeal
3. Hon. Justice Adrian Saunders, Justice of Appeal
4. Hon. Justice Brian Alleyne SC, Justice of Appeal
5. Hon. Justice Indra Hariprashad- Charles, High Court Judge
6. Ianthea Leigertwood-Octave, Chief Registrar
7. Mr. Courtney Abel, [Ag.] President of the OECS Bar Association
8. Mr. Paul Dennis, President of the BVI Bar Association
9. Mr. Terence Byron, Barrister-at-Law, St Kitts and Nevis
10. Mr. Greg Girard, Court Administrator, ECSC
11. Mr. Leslie Prospere, Judicial Clerk, ECSC
12. Mrs. Michelle John- Theobalds, Judicial Clerk, ECSC
13. Ms. Cynthia Combie, Representative - St Lucia Bar Association
14. Mrs. Karen Nunez- Tesheira
15. Hon. Justice Ola Mae Edwards, High Court Judge
16. Master Brian Cottle
17. Hon. Chernio Jallow, Attorney General, British Virgin Islands
18. Mrs. Andra Gokool-Foster, Registrar, High Court, St Lucia
19. Miss Heather Franklyn, Deputy Registrar, High Court, St Lucia
20. Ms. Daisy St Rose, Secretary to the Committee

CREOLE DAY CELEBRATIONS AT THE ECSC

The Eastern Caribbean Supreme Court joined in hearty Creole Day celebrations on Friday 24th October, 2003, at the Headquarters in Castries, St. Lucia.

Judges and office staff were clad, either in the St. Lucian national dress, or adapted their normal formal attire with variations of the colourful madras print, a quintessential feature of St. Lucian local culture.



Chief Justice, Sir Dennis Byron, judges and administrative staff of the Eastern Caribbean Supreme Court

The morning opened with a full Creole style breakfast of hot bakes and cocoa tea, smoked herring, saltfish, and acras, (Ditay kako epi akwa, lanmowi epi bake woti). At lunchtime, staff were regaled with a full Creole lunch which featured traditional eats such as, callalou, farine and pear, bouillon, green fig and salt fish, roasted breadfruit, stewed pork and cucumber salad, (Bouillon, callalou, farin epi zaboka, fig vet epi lanmowi, hawan saw epi bwapen, salad concom, la chay koshon wousi). This was followed by a desert of traditional Creole sweetstuffs including, coconut sweets, almond praslin, konkies, tamarind balls, coconut cake, guava cheese and local juices, (tablet kako, tablet zamann, penmi, tamawen woule, coupe, fonmaj gwiave, ji tamawen, ji pomm siter, ji citon). No Creole day lunch, would have been complete without these delicious items of local cuisine!



*Lenore St. Croix, Office Manager and Angus Smith, HR Officer
adding their dishes to the kweyol 'spread'*

After lunch, judges and court office staff, enjoyed local "Tim Tim" stories (which highlighted the cunning of Br'er Rabbit), and listened to Creole poems.

A perfect end to a perfect Creole Day celebration!!

CONFERENCES, SEMINARS & WORKSHOPS

JEMS TRAINING WORKSHOP

A lively and interactive JEMS workshop was held on the 13th - 17th October, 2003, at the Cara Suites hotel in St. Lucia.

Chief Justice Sir Dennis Byron, is especially keen to implement the upgrading of the court system by the installment of technological equipment designed to enhance the efficiency and effectiveness of judicial officers, and ,this workshop is one of many concretizations of the reform programme which seeks to enhance the system of justice by the education and training of all levels of judicial officers..

Participants came from the Magistrates Courts of Anguilla, Antigua, British Virgin Islands, St. Vincent and St. Lucia, and the Eastern Caribbean Supreme Courts of Anguilla, British Virgin Islands, St. Vincent, St. Lucia and Antigua.

The training objectives included

- Exposing existing JEMS users from the High Court to the new features of JEMS 4.6
- Providing application training to new JEMS users, primarily from the Magistrate Courts using 'hands on' and train-the-trainer approaches
- Providing a significant level of training to participants from the two pilot Magistrates. Courts in the effective use of JEMS 4.6

The key facilitator of the workshop was Mr. Rick White, Trainer from PCSS, USA. IT Manager, Mr. Mark Ernest also played a key role in ensuring the success of the workshop and both were given tokens of appreciation by the participants for a job well done!. The workshop culminated with an award of certificates to participants and a vote of thanks given by a participant from Anguilla, followed by a small, but lively social.

Participants were:-

Name	Member Country	Court
Mrs. Patricia Gumbs	Anguilla	High Court
Ms. Vernice Webster	Anguilla	High Court
Ms. Cordell Richardson	Anguilla	High Court
Ms Leneta Davis	Anguilla	High Court

Ms. Perrinet Hodge	Anguilla	Magistrates Court
Ms. Eibur Spencer	Antigua	High Court
Mr. Hugh Jarvis	Antigua	Magistrates Court
Mr. Kevin Mercer	Tortola	Magistrates Court
Ms. Natasha Springette	Tortola	Magistrates Court
Ms Julie Todman-Malone	Tortola	High Court
Mr. Florry Leach	St. Vincent	High Court
Mr. Samuel Brown	St. Vincent	Magistrates Court
Ms Shamora Glasgow	St. Vincent	Magistrates Court
Ms. Grace Mapp	St. Vincent	Family Court
Mr. Richard Smith	St. Lucia	High Court
Mr. McNeal Mathurin	St. Lucia	High Court
Ms Esmaline Cox	St. Lucia	High Court
Ms. Kora Francis	St. Lucia	Magistrates Court
Ms Cynthia Griffith	St. Lucia	Magistrates Court
Ms Herman Thomas	St. Lucia	Magistrates Court
Mr. Omar Lubin	St. Lucia	Magistrates Court
Ms Gillian French	CIDA/JLR Project	Court Project
Coordinator		
Mr. Mark Ernest	ECSC	IT Manager

FROM THE OECS

ST. CHRISTOPHER & NEVIS

St. Christopher & Nevis Circuits Celebrated Opening Of New Law Term Amidst Pomp And Ceremony

Monday, September 15, 2003, brought about the opening of the New Law Year for the Eastern Caribbean Supreme Court headed by His Lordship, the Hon. Sir Dennis Byron, Chief Justice.

The St. Christopher & Nevis Circuits recognized this auspicious occasion in the form of a Church Service and a Special Sitting of the High Court. The one-hour church service took place at the Wesleyan Holiness Church, Basseterre at 8:00 a.m. The congregation consisted of the Governor-General - His Excellency Sir Cuthbert Montraville Sebastian; the Deputy Governor General - His Honour Mr. Eustace John and Mrs. John; the Hon. Sam Condor, Deputy Prime Minister; the legal fraternity and lawyers' clerks.

The Bar Association played an active part in the proceedings. The First and Second Readings were done by the Hon. Delano Bart, Attorney-General/Minister of Justice & Legal Affairs; and Mr. Anthony Gonsalves, President, St. Kitts-Nevis Bar Association respectively. Two lawyers also shared their other talents. Mrs. Michella Adrian sang while Ms. Shelley Isles played a musical selection on the saxophone.

The officiating clergies were the St. Kitts Christian Council and the St. Kitts Evangelical Association. The sermon was taken from Micah 6:8 and delivered by Rev. Dr. Oldain Charles.

After the Church Service, the legal procession, headed by His Lordship, the Hon. Mr. Justice Davidson K. Baptiste, resident judge, walked through the streets of Basseterre. - the capital - en route to the Court House. On-lookers lined the streets and peeped from their office windows to get a glimpse of the legal body, as it made its way towards the Court House amidst the pomp and ceremony that epitomized the occasion.

Upon arriving at the Court House, His Lordship, escorted by the Registrar Ms. Pearletta Lanns, inspected the Guard-of-Honour. All then proceeded to the Court Room for the Special Sitting.

At the Special Sitting, His Lordship gave the welcoming remarks followed by a web cast transmission of the Chief Justice's speech out of the High Court in Antigua. This web cast, that provided all the courts with not only audio but also video access of the Chief Justice as he made his presentation, is an example of how the OECS Courts have embraced the new information technology era.

Speeches from the bar were delivered by the Hon. Delano Bart - Attorney-General/Minister of Justice and Legal Affairs; Mr. Tapley Seaton, Q.C.; Mr. Charles Wilkin, Q.C.; Mr. Anthony Gonsalves; the Director of Public Prosecutions- Mr. Dennis Merchant; and Dr. Henry L. Browne.

The Church Service and Special Sitting were simultaneously broadcast live on ZIZ and VON Radio Stations throughout the Federation and the wider Caribbean.

The activities to mark the opening of the new Law Term climaxed with refreshments being served, immediately after the sitting, where all participated in raising a toast to usher in yet another legal year.

**Judicial Appointments for the period
October 1 - 31, 2003**

Eastern Caribbean Supreme Court

- [1] 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 1st October, 2003.

During his appointment, 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.

WRITTEN JUDGMENTS

The following are written judgments available for the month of **October 2003**:

COURT OF APPEAL JUDGMENTS

ANGUILLA

Caroline Davies v Maundays Bay Management Ltd.

Anguilla

Magisterial Civil Appeal No. 7/2002

Saunders, J.A.

Delivered: 20/10/03

GRENADA

Sheldon Thomas v The Queen

Grenada

Criminal Appeal No.11/2002

Byron, C.J.

Delivered: 20/10/03

ST. CHRISTOPHER & NEVIS

Noel Heath v Government of the United States

St. Christopher & Nevis

Civil Appeal No.18/2003

Saunders, J.A.

Delivered: 21/10/03

ST. LUCIA

Marie Adrural v Veronique Geead et al

St. Lucia

Civil Appeal No. 22/2001

Byron, C.J.

Delivered: 20/10/03

Clendon Louis v Andrew Smith

St. Lucia

Civil Appeal No. 13/2001

Redhead, J.A.

Delivered: 21/10/03

HIGH COURT JUDGMENTS

ANGUILLA

Anguilla
SUIT NO. 119 of 1998
Edwards, J.
Delivered: 01/05/03

ANTIGUA & BARBUDA

Antigua & Barbuda
Civil Suit No ANUHCV2000/0319
Mitchell, J.
Delivered: 01/05/03

BRITISH VIRGIN ISLANDS

Fursey Management Limited v Gefio General Finance Corporation Inc et al
B.V.I
Suit No. 87/2003
d' Auvergne, J.
Delivered: 07/10/03

DOMINICA

Dominica
Suit No. HCV 0427/2002
Cenac, J.
Delivered: 03/04/03

GRENADA

Ivor Johnson v Lennie Johnson et al
Grenada
Civil Suit No. GDAHCV2001/0614
Benjamin, J
Delivered: 06/10/03

Denise Sayers v Paul Boatswain

Grenada
Civil Suit No. 2002/0329
Pemberton, J
Delivered: 09/10/03

Osmond Gaunt and Rose... v Cynthia Gairy et al

Grenada
Civil Suit No. 1999/0289
Pemberton, J
Delivered: 09/10/03

Timothy Redhead v Bank of Nova Scotia

Grenada
Civil Suit No. 1998/0057
Pemberton, J
Delivered: 17/10/03

ST CHRISTOPHER & NEVIS

St. Christopher & Nevis
Criminal Case No. SKBHCR2003/0028
Baptiste, J
Delivered: 02/07/03

ST. LUCIA

George Kisner v Rumelia Goulab

St. Lucia
Claim No. SLUHCV 0585/2001
Hariprashad-Charles, J.
Delivered: 03/10/03

David Monlouis v George Frederick et al

St. Lucia
Claim No. SLUHCV 0907/2001
Hariprashad-Charles, J.
Delivered: 10/10/03

James Woodward Jr. v John Stanislaus

St. Lucia
Claim No. 409/1991
Hariprashad-Charles, J.
Delivered: 17/10/03

Theresa Husbands and Winston Husbands v James A. Kyle

St. Lucia

Claim No. SLUHCV 1006/2001

Hariprashad-Charles, J.

Delivered: 24/10/03

EASTERN CARIBBEAN SUPREME COURT

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As at 31st October 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

His Lordship, the Hon. Justice Brian Alleyne, SC – 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 Don Mitchell, QC – Antigua & Barbuda

Her Ladyship, the Hon. Justice Indra Hariprashad-Charles – Saint Lucia

His Lordship, the Hon. Justice Frederick Bruce-Lyle – Saint Vincent & The Grenadines

Her Ladyship, the Hon. Justice Charmaine Pemberton – Grenada

His Lordship, the Hon. Justice Hugh Rawlins – British Virgin Islands

His Lordship, the Hon. Justice Davidson Baptiste – Saint Christopher & Nevis

Her Ladyship, the Hon. Justice Ola Mae Edwards – Saint Lucia

Her Ladyship, the Hon. Justice Rita Joseph-Olivetti – Antigua & Barbuda

His Lordship, the Hon. Justice Janice George-Creque – Anguilla/Montserrat

His Lordship, the Hon. Justice Louise Blenman – St. Vincent & the Grenadines

His Lordship, the Hon. Justice Francis Belle [Ag.] - Grenada

His Lordship, the Hon. Justice Clare Henry-Wason [Ag.] – Commonwealth of Dominica

Master Brian Cottle – Saint Lucia

Master Cheryl Mathurin – Antigua & Barbuda

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