

SAINT LUCIA

SECTION 8, SUPREME COURT ORDER, CHAP. 2:01:

IN RE: JUSTICE IANTHEA LEIGERTWOOD-OCTAVE

**TRIBUNAL: JUSTICE HUMPHREY STOLLMAYER – Chairman
JUSTICE KARL HARRISON
JUSTICE NORMA WADE-MILLER**

COUNSEL TO THE TRIBUNAL: MR. REGINALD ARMOUR, S.C.

COUNSEL FOR LEIGERTWOOD-OCTAVE J: MS NICOLE SYLVESTER

RULING

In a written application of 7th March 2013, Ms Sylvester, Counsel for Justice Leigertwood-Octave, applied for a further adjournment of the Directions Hearing which had been adjourned to 3rd April 2013 as a result of an application by Ms Sylvester. The reason given for requesting the further adjournment was that she was "*...unable to attend due to medical reasons*". She goes on to say that after 27th February she had "*...learnt that [she] will have to undergo some medicals with [her son]*". She also sets out that her client "*...is in the process of retaining other possible Counsel, who would also not be available at the date slated for the hearing*". She requested an adjournment to after 11th April.

Previously, in a telephone conversation with Mr Armour, Counsel to the Tribunal, on 28th February, she had applied for an adjournment on the ground that she had already arranged to accompany her son to a swimming competition as part of his training for the 2014 Olympic Games in Brazil.

By a further letter of 8th March she retracted the letter of 7th March, corrected the date fixed for the adjourned hearing (she had set it out as being 8th April) and added to the reasons for requesting the adjournment that "*More particularly, I will be unavailable*

from the 2nd April to the 8th April 2013 so as to facilitate follow-ups subsequent to the medical procedures".

Mr Armour also indicated that to the Tribunal that when Ms Sylvester first spoke with him on the telephone on 26th February requesting an adjournment of the Directions Hearing fixed for 27th February, she did so on the basis that her son was seriously ill and had to be flown from St Vincent to Trinidad for medical treatment. Ms Sylvester also told him that she wished to make certain "requests" of the Tribunal, but declined to indicate what they were. At that time she indicated that she would need an adjournment for about three weeks, but gave no indication of any difficulty with any date of hearing after that time.

In the event, the Tribunal adjourned the Directions Hearing to 3rd April and directed that the "requests" be lodged by e-mail with the Tribunal Secretariat by 25th March 2013 together with a detailed note of the reasons for the requests. That note would allow time for the Tribunal to consider the requests and be better able to deal with them on the adjourned date, if not before. Similarly, the Tribunal also directed that any comments on the draft Directions which had been prepared for discussion on 27th February were also to be lodged via e-mail with the Tribunal Secretariat by 25th March. A copy of those draft Directions were handed to Justice Leigertwood-Octave on 27th February.

Ms Sylvester gives no indication of who alternative Counsel is, nor what date or dates may give rise to difficulty for that other Counsel.

The matter before the Tribunal is not to be regarded as ordinary run of the mill litigation or inquiry. It is a matter of the utmost seriousness and concern to Justice Leigertwood-Octave, the Judiciary of the Eastern Caribbean, and the administration of justice throughout the multiple jurisdictions of the Eastern Caribbean. It is a matter of both great interest and concern to the public in those jurisdictions, and is also a matter of such importance that it requires both priority and expedition in its hearing and disposal.

The importance of the matter and the need for expedition was obviously recognised and accepted by Justice Leigertwood-Octave when she volunteered her undertaking that, whether through Ms Sylvester or other Counsel, the lodging of the requests and comments by 25th March would be accomplished. Indeed, she acknowledged the possibility of having to retain other Counsel.

It is also to be kept in mind that the hearing on 3rd April is for the purpose of the Tribunal giving Directions for the hearing of the evidence, and any preliminary applications that might properly be made.

The Tribunal has given full consideration to the application and the reasons underlying it being made. We do not require that there be a hearing, nor that there be input from Mr Armour.

Given the nature of the hearing fixed for 3rd April; the necessity to have the matter as a whole progress with expedition; Justice Leigertwood-Octave's acceptance of that need and her recognition and acceptance that alternative Counsel may need to be

retained if Ms Sylvester is not available; the varying, if not contradictory reasons given for the further adjournment; and now the unspecified and unsupported medical testing to be done; we are not inclined to grant the adjournment.

In the event, the Tribunal is not persuaded of the need for an adjournment, nor of the merits of the application. The application is therefore refused.

11th March 2013

(Signed)
Humphrey Stollmeyer
Chairman

(Signed)
Karl Harrison
Member

(Signed)
Norma Wade-Miller
Member