

EASTERN CARIBBEAN  
SUPREME COURT

THE ROLE  
OF THE COURT  
AND THE LEGAL  
PROFESSION IN  
PROVIDING AND  
PROMOTING  
AN EFFICIENT  
JUSTICE  
SYSTEM

Address by

Her Ladyship, The Hon. Dame Janice M. Pereira  
Chief Justice

To mark the opening of the Law Year  
2015-2016.

17<sup>th</sup> September 2015



- Justices of Appeal, High Court Judges and Masters of the ECSC;
- Their Excellencies, Heads of State of each of the OECS Member States and Territories;
- Honourable Heads of Government of each of the OECS Member States and Territories;
- Retired Hon. Justice Lyle St. Paul and Hon. Dame Monica Joseph and other retired Judges of the Eastern Caribbean Supreme Court;
- Honourable Cajeton Hood, Attorney General of Grenada, and Hon. Elvin Nimrod Minister of Legal Affairs and other Hon. Attorneys General and Ministers of Justice & Legal Affairs of each of the OECS Member States and Territories;
- Honourable Ministers of Government of Grenada and of each of the OECS Member States and Territories;
- Ms. Tamara Gill, Chief Magistrate of Grenada and other Chief/Senior Magistrates and Magistrates of the OECS;
- Honourable Speakers of the Houses of Representatives, Presidents of Senates and Members of Parliament of each of the OECS Member States and Territories;
- Honourable Leaders of the Opposition of the OECS Member States and Territories;
- Dr. Didacus Jules, Director General of the OECS;
- Directors of Public Prosecutions of each of the OECS Member States and Territories;
- Solicitors General of each of the OECS Member States and Territories;

- The Chief Registrar, Registrars, as well as Deputy and Assistant Registrars of the Eastern Caribbean Supreme Court;
- The Court Administrator, and the Deputy Court Administrator;
- The President of the OECS Bar Association and President of the Bar Association of Grenada, Mr. Ruggles Ferguson, and Presidents of constituent Bar Associations of the Eastern Caribbean;
- Members of the Clergy
- Members of the Diplomatic Corp.
- Learned members of the Inner Bar of each of the OECS Member States and Territories;
- Members of the Utter Bar of each of the OECS Member States and Territories;
- Commissioner of Police Mr. Winston James, Deputy Commissioner Mr. Franklyn Redhead and other Commissioners of Police of the other Member States and Territories, Police Officers and Heads of Correctional Facilities of Grenada and of each of the OECS Member States and Territories;
- Staff of the Court's Headquarters and the various Court Offices in each of the OECS Member States and Territories;
- Distinguished Guests;
- Students of T.A. Maryshow Community College, Presentation Boys College, St. Joseph's Convent and Calliste Government School;
- Citizens and residents of the Eastern Caribbean:

I recognize the presence of former Governor General Sir Daniel Williams GCMG, QC and former Prime Minister Mr. Tillman Thomas.

Good Morning,

Another year has swiftly gone by bringing us to yet another opening of the Law year, this time for 2015-2016. Our rotation through the islands has this year brought us to the beautiful “Spice Isle” of the Caribbean – Grenada, where this address is being broadcast to the other Member States and Territories live via simulcast. And so warm greetings are brought to you, on this occasion, which is the signature event marking the commencement of the Court’s new calendar year.

Before I begin my address permit me to welcome Justice of Appeal Paul Webster to the bench of the Eastern Caribbean Supreme Court. Justice Webster is a very prominent attorney-at-law who was elevated to the rank of Queen’s Counsel in 2003 and an officer who has done many acting stints with the court starting as far back as 2001. He is certainly no stranger to the bench and colleagues within our region and beyond. We are therefore pleased to have him join us on a permanent basis. Justice Webster, welcome, and we look forward to working with you.

Permit me also to extend a special welcome to our brothers and sisters in The Commonwealth of Dominica who are suffering from the ravages caused by tropical storm Erika. We are indeed elated that you are able to join us as part of this simulcast. This tragedy brings to the forefront the vulnerability of our small islands to natural disasters which in just a few hours can cause severe setbacks by years. Please know that we stand in

solidarity with you at this time and continue to pray for God's guidance over your land. I assure you of our full support.

The past year has, like the years before, brought with it many challenges as our small island States and Territories continue to navigate through the economic downturn which continues to adversely affect us. It hardly needs to be said that the judicial system has not been spared from this adversity. In my address last year I shared with you the Court's road map in its quest to fulfill its strategic vision in challenging times. Over the last year, notwithstanding the limitations encountered, we have had some successes. These will be shared with you during the course of this address.

You may also recall that I also spoke about the need to take a holistic approach to safeguard the individual and institutional independence of the judiciary. One of the key elements I touched on briefly and, as embedded in The Latimer House Principles as one of the prerequisites to safeguarding and promoting the independence of the judiciary, is the existence of *'an independent, effective and competent legal profession'*. In my view this is as fundamental to the upholding of the rule of law and the independence of the judiciary as the Court and its judicial administrators themselves.

This is significant because the role played by the legal profession is critical to the proper functioning of the justice system. Whether the wheels of the

justice system move along at a smooth and effective pace, or they grind as if along a graveled path, depends to a considerable extent on how well the legal practitioner performs his or her role in the conduct and pursuit of the causes brought before the Court. The service to society offered by members of the legal profession is therefore a critical and very important one. Unfortunately, over the years the legal profession has come under much scrutiny and I dare say much criticism. Much distrust has developed among many members of the citizenry not only within our Member States and Territories but also within the wider region and even beyond. Disbarments, suspensions and other sanctions against members of the legal profession are becoming all too common place. This begs the question: *what happened along the way?* This question, though simple, calls for deep soul searching and mature consideration.

For centuries the legal profession has been regarded as a “learned and noble” profession, possibly the noblest of all professions. This honour was bestowed on the profession not by chance, but because it was well deserved. From time immemorial members of the legal profession were highly revered, as their contribution to the upkeep and maintenance of the society was a critical one. Lawyers were proverbially coined the movers and shakers of society, trusted counselors, upright citizens and above all, beyond reproach. There is no mistaking the exceptionality of this calling; to stand at the Bar - breathing life into laws which are integral to the preservation of order in society by measuring them against our

constitutions; developing the common law and statutes and in the process defending the rights of citizens of a country justly.

However, somewhere along the way this acuity became compromised or perceptively derailed and carried with it the great price of public mistrust. Instead, the more common perception is that lawyers are un-trustworthy, act irresponsibly, and are often seen as persons consumed in arrogance and driven only by greed. As a member of this profession, it is very disheartening to me that lawyers have become more of an object of mistrust rather than reverence. The profession has, in the eyes of many, become a mere necessary evil rather than the impetus for the maintenance of social stability, equilibrium and order. While some of us may argue that the veracity of this is debatable, it must be conceded that the perception is probably not. The view widely held by many within our societies is that while the learning may be there, the nobility, in many respects, has long since disappeared.

This “perception”, has prompted my address this year which is entitled **“The role of the Court and the legal profession in providing and promoting an efficient justice system”**.

English Author Douglas Adams wrote: *“To give real service you must add something which cannot be bought or measured with money and that is sincerity and integrity”*. This “real” or “quality service” is the pillar upon which the

legal profession is founded. Therefore, the obligations owed by the Court and by the members of the legal profession are essential to the proper functioning of the justice system.

For the court's part, as stated by our Mission Statement, we have a responsibility to deliver "quality service" to *our Member States and Territories by providing access to a system of justice that is accountable, independent, and in a fair, efficient and effective manner.*

For the members of the legal profession, the obligation is to ensure that a lawyer provides the best quality service to his or her clients, colleagues and to the courts. There are many facets to being a lawyer. A lawyer is an activist for justice, an officer of the court, a client's advocate and a member of an ancient, honourable and learned profession. As such, a lawyer's primary role is one of service in all of these capacities.

Lawyers are the link between the litigants and the courts. They are the mouthpiece of the litigants in court and consequently, have a great responsibility to ensure that their client's voice is heard through the proper stating of their case within the ambit of the law - *This is their duty to the client.* The judiciary too is reliant on the lawyer to use the principles of the law to advance their client's case so that justice can be dispensed fairly and efficiently - *This is their duty to the court.* Lawyers should also be courteous to the other members of the profession, always exercising good faith - *This is their duty to their colleagues.* The proper execution of these



duties goes a long way toward safeguarding the rule of law and thus promoting the fair and efficient administration of justice.

There is no doubt that in the legal field, quality service and an efficient justice system are intrinsically linked. Alas, herein lies the problem. There are a number of hindrances which affect quality service, and which by extension, threaten the reality of an efficient judicial system.

Over the past law year, the Court has had to overcome, and in some instances circumvent such hindrances, so as to ensure that the quality of service provided was not compromised and our responsibilities were fulfilled.

One critical component of the Court's responsibility is access to justice. In keeping with our strategic plan, the court maintained its focus on the reform initiative by continuously assessing, with a critical eye, the various methodologies deployed for the purpose of effectively managing the operations of the court by seeking to implement best practices aimed at addressing the systemic and structural weaknesses affecting the delivery of justice within the divisional jurisdictions of the court. This is an appropriate time to provide an update.

I start with the Family Division as this division appears to be the one which is fraught with a myriad of challenges no doubt by virtue of the very

nature of the subject matter, and the broad spectrum of matters which may be grouped under the broad heading of 'family'- ranging from the maintenance, care and protection of children, to the rights and responsibilities of parents and spouses inter se. Last year I called for the enactment in every Member State, of modern family law legislation which would provide the foundation for a family division of the Court with a more responsive approach to matters relating to the family. Some States have heeded the call, while in others it has been given less priority. I am pleased to say however, that the Family Division pilot project in Antigua and Barbuda has gained impetus. The entire suite of modern Family Law Bills is being finalized and is expected to be laid in Parliament before the end of this year. Much progress has also been made in the drafting and review of Family Proceedings Rules which will govern the practice and procedure in Family proceedings. It is expected that there will be wide consultation on these rules over the next few months, in an effort to have them finalized and adopted in this new law year.

Work is also expected to continue with the major stakeholders to address the policy related issues pertinent to the establishment of the Family Division Project. This remains a high priority on the Court's agenda. I therefore take this opportunity to renew my call to other Member States and Territories which have not yet done so, to place the Family Law Reform legislation as a priority item on their legislative agenda. The men, women and children of our States deserve it. We can seek to build many

edifices to attract tourism and other forms of investments to our shores but if our very social fabric is broken then it all will inevitably come to naught.

*The Commercial Division*

The Commercial Division of the Court in the Virgin Islands has been a success story. It enjoys a high reputation not only within the region but internationally. For the year 2014, **173** matters were filed in the division and **121** were disposed. This is a disposition rate of **70%**. The Commercial Court in the Virgin Islands therefore continues to be a model Commercial Court in many respects. I would like to express my sincere gratitude to Justice Edward Bannister Q.C. for his sterling contribution to the Commercial Division of the Court. From inception he invested a great deal of vigor and commitment to the court, which is largely responsible for the success which it has achieved to date. After 6 years of service, Justice Bannister retired on 31<sup>st</sup> March 2015 and we wish him all the best.

The Commercial Court model is all but set to be replicated in the State of Saint Lucia. Over the past year, preparations have been ongoing for the implementation of this division. A judge has recently been appointed to administer this Division. It is expected that the Court will be in a position to commence business by October 2015.

*The Civil Division*

The Civil Division continues to operate in accordance with the Civil Procedure Rules (CPR 2000) and the various amendments and practice directions which were made.

One of the major challenges faced in the court system is the delay in getting matters through the system in a timely manner. Although there has been some improvement in court processes from the time of filing to disposition, more work is needed to achieve more timeliness. I assure you that we are examining ways to improve in this area.

In January 2015, the Eastern Caribbean Supreme Court (ECSC) with very short preparation time, collaborated with the Government of Grenada for the commencement of an activity under the **Judicial Reform and Institutional Strengthening (JURIST) Project**, which is geared at reducing the backlog of civil cases in Grenada which have been assessed as ready for trial but either (i) no trial dates have been fixed, or (ii) dates have been fixed for the years 2018 and beyond.

The overall aim of the JURIST Project is to improve the delivery of judicial services of CARICOM Independent Sovereign States and Associated Member States. To complement the work of that project in Grenada, two Practice Directions were issued for matters which fall under the JURIST Project; (i) Mediation and (ii) Recording of proceedings & filing by electronic means of communication. Gratitude is extended to the

Government of Canada's Department of Foreign Affairs, Trade and Development (DFATD) along with the Caribbean Court of Justice (CCJ), which is the implementing agency for the JURIST project, for providing the requisite funding and for the timely implementation of this project. As with any Project of this nature, teething pains are inevitable. But I wish to express my gratitude to the Government of Grenada without whose support and commitment the project could not have gotten off the ground. Also, I must make mention and express my appreciation to the members of the legal profession in Grenada, for their willingness and positive support for the project despite the additional strain that it no doubt creates. I was of the firm view that if this Pilot was to succeed, that the State of Grenada was the place to start. It is our hope that this project will achieve success and become a useful model to replicate in other Member States and Territories.

### *The Criminal Division*

In the Criminal Division, the difficulty with the backlog of cases was also another significant challenge. A number of measures have been employed to assist in addressing this. In my address last year, I indicated that a Master assigned to the Criminal Division would be appointed. I am pleased to report that this goal has been met. A Master was assigned to the Criminal Division in Saint Lucia with the jurisdiction and powers set out under the Supreme Court (Criminal Division) (Amendment) Rules 2014. Another measure instituted in Saint Lucia was the assignment of a second judge to the Criminal Division. To complement these, a revision was done

to the Criminal Procedure Rules which took effect from February 2015. A revision of the Saint Lucia Criminal Code is also underway so as to provide for the more effective functioning of the Master. It is anticipated that with the changes instituted, the flow of matters through the system will be enhanced, thereby allowing for timelier criminal trials and processes.

Another area of the criminal process which I intend to address in this new law year is the jury process. In most of the Member States and Territories the legislation which governs the process is archaic and has had adverse effects on the criminal trial process and the justice system as a whole. There is therefore an urgent need for a revision of the relevant legislation to make it germane and modern. One major challenge is the recurring list of a small pool of jurors. This is largely due to the limitations placed on the criteria for eligibility and selection of jurors as well as the failure to frequently update the jury pool. This hinders the ability to constitute a jury panel which in turn causes adjournments and thus significant delays in the disposition of a criminal case. The Court has jury management software within JEMS which cannot be optimized due to the absence of appropriate legislative provisions to address these issues. Therefore, in the coming year the Court will focus on taking the necessary steps to address these impediments.

The divisions of the court, although functional, require much work to ensure that they are at the level required to optimize their efficiency. The

Court therefore continues to examine varying methods by which we can enhance the operations of the divisions. One of the greatest challenges faced by the Court is having to operate in a modern era with ill-suited judicial spaces, and operating systems. For this reason a number of reform initiatives have been commenced.

It is well documented and well known that a Halls of Justice Project was initiated. A good number of years' work in planning and designing, as well as implementation proposals, has been so far put in. This project has progressed much slower than anticipated and the current harsh economic climate, coupled with adverse effects of natural disasters, have not helped. However, there are a number of private sector groups which continue to show interest in undertaking the Project even at the individual state level. In the coming year it is our fervent hope that this badly needed project will actually get off the ground in at least one Member State with others quickly following suit. In this regard however, I must commend the Nevis Island Administration for their work in the refurbishment of their High Court building in the island of Nevis which, from all reports, is very fitting for its purpose. I must also commend the Government of Grenada for taking the necessary steps to secure suitable accommodation for the courts which by all accounts is very much appreciated by both the Bench and the Bar.

I had also made mention last year of the filing fees project. I am pleased to report that all the preliminary and consultation processes have been concluded and a revised fee structure proposed for civil matters, (including

probate, transcriptions and filings in the court of appeal) submitted for approval to the Heads of Government, with a view towards implementation. In the coming law year, the focus will shift towards the push for full implementation across the court's jurisdiction. This will bring us another step closer to achieving a more harmonized jurisdiction in terms of court practice and procedure.

We live in an era where technology sets the stage for our very existence. Over the past two decades the Court has embarked on a drive to incorporate the use of technology into its everyday operations. During the last law year there was a significant increase in the use of *video conferencing facilities* for hearings, case management conferences and meetings at the Court's Headquarters and in other Courts in the sub-region. There was also a marked increase in the usage of video conferencing facilities in the High Courts in the Virgin Islands, Saint Lucia and Grenada. Worthy of special mention is the use of the Prison Video Link between the Bordelais Correctional Facility and the main Courtroom at the High Court in Saint Lucia which is being utilized with tremendous success. It is a method which brings about significant time and costs savings not to mention reduction of the security risks involved with movement of prisoners between locations. This is a model which we hope to replicate in the other Member States and Territories.



The court has also benefited significantly from the implementation of *digital court recording systems* in the courtrooms of the Magistrates' and High Courts throughout the Member States and Territories. Two of these recording systems were implemented in Grenada as part of the activity which I mentioned earlier under the JURIST Project and four were provided by the British High Commission in Barbados. I wish to place on record my profound thanks to both entities for providing these systems. We have also been encouraging the courts at the national level to purchase this equipment as the goal is to have every courtroom so equipped. The State of Antigua and Barbuda has followed through as well as the Magistracy in the Virgin Islands.

In my address last year I made mention of the e-Filing Pilot Project initiated in the Virgin Islands which allows for the electronic filing of documents for Court of Appeal matters. We are currently evaluating this project and addressing the teething issues as we work towards making e-filing available to all Members States and Territories. With the commencement of the JURIST project in Grenada, a similar e-filing project has been initiated for matters which are part of the project.

The training arm of the Court, namely the Judicial Education Institute, has also been working assiduously to deliver continuing judicial education to our officers and administrators under the strong and unwavering leadership of its Chairperson, Justice of Appeal Louise Blenman. These programs are all aimed at building and strengthening judicial capacity.

Our signature event, the Annual Judicial Conference, which took place during the last week of the last court term, was made possible by financial contributions from the “Improved Access to Justice in the Caribbean Project “IMPACT” - (a Project funded in the main by Canada’s DFATD earlier mentioned in relation to the JURIST Project, and being implemented by the Cave Hill Campus of UWI), UNICEF, the British High Commission, and indeed two of our States, namely St. Christopher and Nevis and Saint Lucia. With that support, JEI was able to organize and successfully execute a full week’s training program, specifically focused on the criminal trial process. It was a detailed program delivered by two of the finest jurists in the Caribbean namely, Justices of Appeal Paula Mae Weekes and Alice York Soo Hon from the Supreme Court of Trinidad and Tobago. They were ably assisted by Dame Linda Dobbs, former High Court Judge of England and Wales and Chair of the International Training Committee of the Judicial College of England and Wales, the Right Hon. Lady Justice, Dame Heather Hallett, Vice President of the Court of Appeal of the Criminal Division of England and Wales, and our very own Justice of Appeal, Hon. Mde. Louise Blenman. From all reviews the sessions were graded excellent and thus the Conference objective met. I place on record, our gratitude to our financial contributors and to our facilitators who gave yeoman’s service. It was not a simple task. We are all the better equipped to manage and deal with the various challenges which present themselves during the course of a criminal trial. Such training is vital if we are to improve the quality of access to justice in a meaningful way.

And so, to sum it up, it is true to say that although the court continues to grapple with numerous constraints, the productivity of the Court has been on an upward climb. The empirical data collected substantiates this.

At the appellate level, our statistical analysis revealed that for the calendar year 2014, there were **535** appeals filed. Within the substantive appeals are numerous applications. The Court of Appeal heard **1,147** matters, over a total of **38** sittings, in the form of sittings of the full court, teleconferences, video conferences and chamber hearings. By the end of the calendar year, the court issued **51** written judgments and orally delivered **786** decisions, making a total disposition of **837** appellate matters.

In the High Courts throughout the jurisdiction, a total of **8,013** cases were filed for the calendar year 2014, and a total of **5,116** cases were disposed of. Worthy of mention is that the number of disposed matters for 2014 increased by over **1,000** cases from 2013. As in years gone by, the greatest percentage of this figure represents matters disposed of in the civil jurisdiction of the court.

I urge you to visit online, the court's website at [www.eccourts.org](http://www.eccourts.org) where a more in-depth appreciation of the Court's work can be obtained, as well as judgments of the court, other information and notices and the Court's annual report. Make an online visit part of your regular online browsing routine and keep abreast of the Court's activities and decisions rendered. This assures receipt of information firsthand.

While the court remains committed to fulfilling its mandate to providing quality service and an efficient justice system, it is greatly dependent on the efforts of the legal profession to make this a reality. This brings me back to the role and responsibility of the legal profession in safeguarding and promoting the rule of law by ensuring a fair and efficient justice system. I spoke earlier about the lawyer's responsibility and duty to the court, clients, colleagues and the profession.

In the execution of these duties, the responsibilities overlap. However, one common thread woven in each is the duty to show respect. Unfortunately, one of the disturbing issues which currently plague the profession is the lack of respect displayed by some attorneys-at-law. An attorney-at-law must exude and encourage respect for the Courts, Judges, clients and colleagues. This respect is very broad and extends to a number of areas of the profession. It extends to how one presents him or herself visually as well as to the audio senses. This in my view has nothing to do with passing fashions but rather with the maintenance of the dignity and nobility of the profession and preserving the respectability and seriousness of the important business of doing justice.

Much of what I am about to say hereafter does not relate to a large number of the legal profession. However, we are all aware of the ease with which all members of the legal profession are painted with one broad brush, so that the failings of a few impact adversely on the many.

Over time one has seen a slow but certain creeping in of mannerisms and expressions which detract from the nobility of the profession and which neither enhances the legal cause of the client nor assists with the proper determination of it. Enshrined in the Code of Ethics governing the practice of lawyers is the requirement that an attorney-at-law must, at all times, treat litigants and other attorneys-at-law with fairness and courtesy. In the same vein, an attorney-at-law must also encourage respect for the courts and the judges. Part of this duty is to maintain a respectful attitude towards the Court and not engage in conduct which is degrading or discourteous to the Court. Such conduct weakens rather than promotes the fair administration of justice and does much to destroy public confidence in the judiciary as an institution.

Another cause for concern is the lack of adequate preparation for matters before the Court shown by some lawyers, notwithstanding advance notice of hearings. Being unprepared is disrespectful to the Court, your colleagues and your client, all of whom are depending on your assistance in the proper advancement of the cause before the Court. Therefore, as part of the duty owed to the Court and the client, counsel must always ensure that they are fully prepared. By now it is common knowledge that the Court frowns on requests for adjournments, particularly, when made on the morning of a hearing. In fact, in some jurisdictions so serious is the issue of an adjournment that counsel runs the risk of serious sanctions for contempt. It is a discourteous practice which cannot be allowed to

infiltrate our system any further. It must be the rare and exceptional circumstance rather than the norm. It is not only about the waste of the resources of the client but that of the Court's, and by extension the State's.

This brings me to another disturbing trend which appears to be taking root – that of lawyers who appear before the court without possessing a valid practicing certificate. In most of our Member States the Legal Profession Act which governs many aspects of the legal profession, mandates that an attorney-at-law must possess a practicing certificate. However, there are an increasing number of attorneys who commit a great disservice to the profession, the client and the Court by sneaking their way before the Court knowing fully well that they are in contravention of this requirement. This should not be! It is discourteous to the Court. Critically, it is an act of dishonesty in the context of the legal profession. It is also most unfair and deceitful to your client who has a legitimate expectation that by agreeing to take a brief you have proper locus standi before the Court. Lastly, it is unfair to your colleagues who are actually compliant. I would therefore admonish all those attorneys-at-law who are practising in this manner, contrary to provisions of their Legal Profession Acts and ethical codes of conduct, to cease and desist from such practice. It brings the entire legal profession into disrepute and erodes public confidence in the justice system. In the legal profession every legal practitioner must have due regard for the concept of “*thy neighbour.*”

It behoves me to also speak about punctuality. An attorney-at-law is expected to be punctual in attendance before the court. It is highly discourteous for a litigant or an attorney-at-law to have the court waiting. The court is often expected to accept excuses such as *"I was before another judge!"*. This expectation is unfounded and ought not to be tolerated. The court cannot be blamed or expected to wait for or accommodate an attorney who fails or refuses to practice in a manner which ensures punctuality before the court. Lateness in appearance also reflects a lack of respect for the court, the client and colleagues. That said, I would also add that it behoves judicial officers to lead by example. Persistent lateness adds up, over time, to wasted time and resources leading to delays and backlogs in the system. The saving of time and resources and the preparedness and competent conduct of matters advances the court process. It is the failure in this regard which brings the judicial system into disrepute.

The demand for quality representation in the legal process is unquestionable. If a lawyer is competent and provides good quality representation, his or her high quality reputation will be assured. If a sole practitioner finds that he/ she is experiencing constant scheduling conflicts with the courts then this may be telling you something about your business strategy and the need for adjustments. What you should not expect is for the court's schedule to simply adjust to accommodate yours. Such an approach is neither justifiable nor amenable to the proper advancement of a fair and efficient justice system.

Many senior legal practitioners have lamented about what they perceive to be falling standards among younger and less experienced legal practitioners. Perhaps the time is ripe for a discussion to begin in earnest about the requirement for continuing legal education as a prerequisite to the renewal of practising certificates. At this juncture, I wish to urge more legal practitioners to take advantage of the invaluable opportunity being afforded by their own OECS Bar Association for promoting continuing legal education among their ranks, by hosting the Regional Law Conference. The range of legal areas addressed and the quality of the presentations have been consistently excellent. In my view, a couple of days' attendance over the period of a year, when compared to the enduring benefit to be gained, is a small price to pay by so investing in yourself as an attorney-at-law. There is also a conversation to be had pertaining to the mentorship role that a senior legal practitioner can play in grooming the younger and less experienced legal practitioner. No practitioner comes out of law school with the requisite experience to delve into the practice of law without guidance. Efforts should therefore be made to remove 'the disconnect' between the more senior and experienced practitioner and the younger less-experienced one. The benefit to be derived inures to the good of the profession as a whole and by extension the justice system.

Also of great concern, has been the issue of the misuse of client's funds or other property. Great responsibility is placed on an attorney who has been put in charge of client's funds. It is very disconcerting that in an overwhelming number of cases these funds are inappropriately managed



by attorneys. The court will show no tolerance for such behaviour. In many of the Member States, Disciplinary Committees have been established to whom litigants can lodge complaints against an attorney. Such indiscretions can be very costly to the client, and quite damaging to the attorney, not only financially, but also professionally. Our neighbouring islands of Barbados and Jamaica have of late shown zero tolerance for such behaviours and we have seen cases of disbarment. In our jurisdiction as well, we have seen a few cases of attorneys being struck off the roll. I will not say much more on this in this forum except to say that attorneys should always remember and view the duties which they owe to their clients and to the profession as sacrosanct and uphold them at all times.

Earlier, I spoke about the Court's efforts to improve the criminal justice processes. This cannot be left up to the court only. Unfortunately fewer and fewer lawyers are practising in the criminal law. It is seen as less attractive and not lucrative. Making bad matters worse in many instances, is the lack of proper legal aid schemes to assist those members of our society who come into conflict with the law in seeking to ensure the observance and protections of such person's constitutional rights. This places a considerable burden on a judicial officer and the criminal justice system as a whole in striving to strike and maintain the proper balance between the competing interests in seeking to ensure a fair and expeditious trial. Attorneys-at-law, in keeping with their wider social responsibility of upholding and promoting the rule of law, must address this issue and not

flinch from this responsibility. Criminal offences, by their very nature require the utmost attention, particularly because the liberty of the accused is at stake. Equally, a victim of a crime has every right to be vindicated against the commission of a wrong. The statistics show that it is invariably the poor and socially marginalized within our societies who most often come into conflict with the law. Whether we appreciate it or not, a deficient criminal justice system has a direct impact on a society's socio-economic development and our overall quality of life. As members of the legal profession there is much you can do to redress this. I therefore urge you as a body to become active in this regard. It affects us all.

It is the solemn obligation of every member of the profession, individually and collectively to safe guard the integrity of the profession. You must be ready and willing to play your part. We lament deficiencies in our legal system and I agree that these adversely affect the dispensation of justice. But the question remains - What are we doing about it? As Gandhi said, *"You must be the change you wish to see in the world."* I would adjust it to say, *"You must be the change you wish to see in the profession"*. In terms of your collective responsibility, here is where the constituent and Regional Bar Associations come into play. Simply put, its role is to deal with all matters affecting the legal profession and to take the necessary action to promote, preserve, and protect its interests and the interests of its members. This would also include supporting the independence of the judiciary, maintaining cordial relations among members of the Bar and between the Bar and the Bench.

There is therefore no doubt that the role of the Bar Association is pivotal to the advancement of the administration of justice. This is why it is necessary to have a fully functional Bar Association of which every legal practitioner should be a part. The time has come when we must move away from the culture where only an interested few champion the cause for all. The Bar must never underestimate the power which it holds as a collective body. Individually we are one drop, but collectively we can be an ocean! So get involved, rally together with your colleagues to effect the change that you want to see, not only in the profession, but also in the justice system.

There are many attorneys whose performance has been exemplary. I applaud you for your efforts in conducting yourselves in the manner which is required and expected of you. While there are a few members of the profession who may conduct themselves in a manner contrary to the ethics of the profession, there are far more distinguished men and women in the profession who uphold the integrity of the profession and who have contributed, and continue to contribute immensely to the jurisprudence of this region. I urge you to be responsible for your other colleagues as you strive together to uphold the integrity of the profession. *'Be thy neighbour's keeper'*.

It is my humble opinion that the legal profession still remains the noblest of all professions. My address today brings to mind the view expressed by Shakespeare in King Henry VI, - that the first thing any potential tyrant

must do to eliminate freedom is to “*kill all the lawyers*”- This is indeed a deserving compliment to this noble profession. This means that the profession is the backbone of justice, order and stability in any society. We therefore hold within us the power to lead by example and engender the respect of the citizenry, making a change in society like no other profession can. I admonish you the members of the legal profession to never lose sight of this great potential.

And so, this brings me back to where I began – the role of the court and the legal profession in providing quality service which is integral to attaining an efficient justice system. We would all agree that there is a great deal lacking in the system and the profession and consequently a lot more that we would like to see done. Every year at this time, we listen to presentations from members of the Bench and Bar articulating the concerns which threaten the efficacy of our legal system. *But the question remains: when the addresses are done and the sitting is over what then? Do our words fall on deaf ears and we revert to business as usual? Do we really understand how critical our role is - not only to the system but also to effecting the changes we wish to see?*

It is said, and I believe it to be true, that ‘*evil triumphs when good people say and do nothing*’. Let us together do all that we can to see to it that this does not become our truth. I, along with all judicial officers, will continue to strive to do all within our power to enhance the quality of justice in the administration of our courts.

I would therefore like to thank the members of the profession generally, for your dedicated service to the cause of justice. You are an asset to the court and the justice system. I look forward to your continued support of the advancement of justice in our region as we work together to uphold the rule of law.

At this juncture, I also wish to express my profound gratitude to the members of the judiciary who worked diligently throughout the last law year to ensure that justice was delivered *in a fair, efficient and effective manner*. You too continue to toil despite the difficulties you encounter, and your hard work is evidenced through the statistical data collected. I thank you for your continued dedication to the law and the justice system and pray that God continues to give you the fortitude required to fulfill your mandate from day to day.

Over the past year a number of retired judges and attorneys-at-law gave of their time to assist the court in carrying out its mandate. Despite your hectic schedules of private practice you acceded to the court's request for assistance and for that we remain grateful. I look forward to your continued support in the coming law year.

Permit me at this time to recognize the passing of one of the eminent jurists of our Court, retired justice of appeal Dr. Nicholas Joseph Orville Liverpool. Justice Liverpool served the ECSC with distinction, firstly as a

High Court Judge and then subsequently as a Justice of Appeal. We pay homage to the sterling contribution that Justice Liverpool has made to the jurisprudence of our region and extend our sincerest condolences to his wife and the other members of his family.

Also permit me at this juncture to recognize the passing of one of the OECS Bar's stalwarts and past Presidents, Ms. Nicole Sylvester. Ms. Sylvester was the mastermind behind the very successful OECS Law fair, now the OECS Law Conference, which was launched in 2004. I wish to place on record our sincere condolences to her sons and the other members of her family.

To the staff of the Court's Headquarters and the staff of the various court offices in the Member States and Territories I say with utmost sincerity 'thank you' for all that you do on a daily basis. You often work behind the scenes to ensure the smooth operation of the justice system. Without your hard work and dedication we the members of the judiciary and the legal profession would be unable to execute our tasks efficiently.

Over the past law year, at the Court's headquarters we mourned the passing of one of our very own, Miss Claudette Valentine. As many of you would know, Ms Valentine was our Information Services Manager and Librarian, a post which she held for 12 years. Her passing has left an indelible void, not only at the Headquarters but throughout the region as her contact with persons transcended the jurisdiction. So, today we pay

homage to Ms Valentine for her distinguished and stellar contribution to the work of the court.

To the Registrar and staff of the Supreme Court Registry of Grenada I say a special thank you for making the necessary preparations to host this ceremonial opening of the Law Year 2015-2016. To the staff of the IT Department at the Court's Headquarters and the staff of the High Court in Grenada I say thanks for putting in place the technical facilities needed to make the hosting of this address possible via simulcast. I also wish to thank the media houses throughout the OECS for their live broadcast of this address.

Sincerest gratitude is extended to the OECS Heads of Government for their support of the judiciary over the past year. We look forward to your continued support in the coming law year as we all strive to enhance the justice system of our Member States and Territories.

Appreciation is extended to the Commissioners of Police, Police Officers, Superintendents/Directors of Prisons/Correctional Facilities and prison officers of our Member States and Territories. You are a critical part of our legal system and we are grateful for your valiant contributions.

To the Honorable Attorneys General, Ministers of Legal Affairs or Justice, Directors of Public Prosecution, Presidents of the Bar Associations, Attorneys-at-law, and all government departments and agencies, I am truly

thankful for your support and dedication to the court and look forward to your continued assistance.

Finally, to you the citizens of the OECS, I express my thanks for your support and faith in the legal system. I know that sometimes it is difficult, but I want to assure you that we give our best to ensure that justice is dispensed without favour or bias to any man, no matter what his stature in life, race or creed. So I encourage you to continue to keep the faith in the judicial system. We remain steadfast in our commitment to you the citizens of this region and to serving you with distinction.

As Father Harris has exhorted us, let us practice the virtues of prudence, justice fortitude and temperance as it is through justice that we ensure lasting peace.

My prayer for each and every one of us is that as we go through this new law year the Lord will lift up his countenance upon us and will bless our nations, our courts and our justice system as a whole.

I thank you.

*Dame Janice M. Pereira, DBE*

*Chief Justice*