



The Commonwealth



## **MAGISTRATES CONFERENCE 2014**

### **JUDICIAL ETHICS & INDEPENDENCE & CORONERS' JURISDICTION**

2 – 4 APRIL 2014

ST. KITTS MARRIOTT RESORT & THE ROYAL BEACH CASINO

#### **AIMS OF COURSE AND TIMETABLE**

##### **1. JUDICIAL ETHICS: AIM OF COURSE**

To promote:

- a) awareness and active consideration of judicial ethics both during and after the course;
- b) familiarisation with the national code of judicial ethics and international principles; to understand how the Code and international principles are relevant to the human rights of women, children and other vulnerable members of society who come before the courts and how to apply the Code and principles in practice;
- c) and facilitate discussion and debate amongst magistrates on the approach to ethical problems;
- d) a better understanding of the needs and problems facing magistrates; and
- e) develop ideas for continuing education in this area.

#### **OUTCOME**

By the end of the training, participants should be able to:

- a) describe the contents of the Eastern Caribbean Code of Ethics;
- b) identify appropriate and inappropriate behaviour by magistrates both on and off the bench;
- c) identify best practice by reference to both the national code and best practice internationally, including the Bangalore principles;
- d) apply the principles in the Code of Ethics in practice;
- e) understand and deal with the needs of the vulnerable in and out of court.

##### **2. JUDICIAL RECUSAL: AIM OF COURSE**

To assist magistrates to:

- a) deal with applications for recusal, setting out reasons for decisions;

- b) improve their judgment writing and delivery skills, especially extempore judgments.

#### OUTCOME

Participants should be able to:

- a) summarily deal with applications for recusal;
- b) give extempore judgments with reasons for the decision made.

### 3. JUDICIAL INDEPENDENCE: AIM OF COURSE

To ensure that:

- a) magistrates understand the need for judicial independence;
- b) the issues and problems confronting magistrates are addressed;
- c) judicial independence is safeguarded by agreeing actions/protocols or identifying further training to address the issues.

#### OUTCOME

By the end of the session participants should be able to:

- a) identify the core principles and importance of judicial independence;
- b) identify circumstances in which judicial independence may be compromised in practice;
- c) be familiar with and apply strategies to deal with any threat to judicial independence.

#### Trainer on Judicial Ethics & Independence:

The Hon. Dame Linda Dobbs DBE, former High Court Judge of England & Wales and Chair of the International Training Committee of the Judicial College of England and Wales.

#### Facilitators:

1. Justice Dame Janice Pereira, DBE, Chief Justice, ECSC
2. Justice Louise Blenman, Justice of Appeal & Chairman of JEI, ECSC
3. Jarvis Matiya, Head of Justice Section, Legal & Constitutional Affairs Division, Commonwealth Secretariat
4. Diya Beesoondoyal, Legal Officer, Justice Section, Legal & Constitutional Affairs Division, Commonwealth Secretariat

#### Trainer & Facilitator on Coroners' Inquests:

Faith Marshall Harris (Barbados)

## AGENDA

### **DAY ONE (WEDNESDAY 2 APRIL 2014)**

- 8.30 Registration
- Opening Ceremony**  
**Chairperson - Justice Louise Blenman**
- 9:00 Entrance of Prime Minister of St Kitts & playing of the National Anthem
- 9:05 **Remarks by**  
*Justice Louise Blenman, Chairperson of JEI*
- 9:10 **Remarks by**  
*Mr. Jarvis Matiya, Head of Justice Section, Legal and Constitutional Affairs Division, Commonwealth Secretariat*
- 9:15 **Official Opening Remarks**  
*Dr. The Rt. Hon. Denzil Douglas, Prime Minister of St Kitts & Nevis*
- 9.25 **Setting context of training & expectations of participants**  
*Dame Janice Pereira, DBE, Chief Justice, ECSC*
- 9:30 Group Photograph & Tea/Coffee Break
- End of Opening Ceremony**
- Judicial Ethics**
- 10.00 Introductory lecture - Judicial ethics
- 10.45 Hypothetical questions in break-out groups.
- 11.45 Plenary session. Discussion of the results of the groups' answers to the hypothetical questions.
- 12:30 Lunch
- 1.30 Talk and discussion on "Vulnerable Witnesses", including defendants, litigants in person, women and children.
- 2.15 Talk on practical issues regarding judicial recusal
- 3.00 An overview of judgment writing, extempore judgments in particular.
- 3.45 Tea/Coffee Break
- 4.00 Hypothetical recusal scenarios for discussion in plenary.
- 4.45 Demonstration: Application by counsel for magistrate to recuse him/herself. Demonstration extempore judgment given with discussion about the form, content and approach.
- 5.00 End of Day 1

### **EVENING EVENT:**

Cocktail Reception hosted by the Government of St. Kitts

TIME 7 - 9 p.m. [To be confirmed]  
VENUE Official Residence of the Governor General

### **DAY TWO (THURSDAY 3 APRIL 2014)**

- 8.30 Applications for recusal with submissions being made as if in a court situation. Candidates will be chosen at random and given opportunity to do extempore judgments. Other participants will be asked to evaluate the judgment.
- 10.00 Tea/Coffee Break
- 10.15 Identification of main issues arising from the recusal exercises. Discussion of some hypothetical situations involving vulnerable court users.

#### **The Coroner's Jurisdiction**

- 11.00 The Role of the Coroner
- Historical background of the Coroner's Jurisdiction
  - The extent of the Jurisdiction (including territorial considerations)
  - The Role of the Police vis à vis the Coroner (reporting of sudden, unnatural deaths; permission to remove the body)
- 12.15 Lunch
- 1.15 Ordering of post mortem
- Objections to post mortem
  - Instructions to forensic or other pathologist, toxicologist
  - Analysis of post mortem report
  - Decision to hold inquest
  - Scheduling of inquest, if needed
- 2.00 The Inquest
- Aim and purpose of inquest (e.g. prevention of similar fatalities; reporting of child abuse)
  - Public nature of inquest (e.g. dealing with the press and publication)
  - Procedure and practice
  - Notification of interested parties
  - Summoning of witnesses (including expert witnesses)
  - Opening statement
  - Evidence of pathologist, toxicologist, ballistic expert
  - Questioning of witnesses by the Coroner
  - Legal representatives and interested parties
  - Submission of points of law to the Coroner

- Documentary evidence (e.g. suicide notes, diaries, other records kept)
  - Locus in quo, particularly with respect to vehicular accidents
- 3.00 Tea/Coffee Break
- 3.15 Verdict and Report - Analysis of commonly used verdicts
- Suicide
  - Accidental Death
  - Misadventure
  - Lawful Killing
  - Unlawful Killing/Neglect
  - Open Verdict
- 3.45 Inquisition
- Who, When, Where, How
  - Criminal or civil liability
  - Death certificates
  - The role of juries in an inquest
  - Judicial review
- 4.15 Comparative analysis of legislation across the region
- Power to exhume/cremation
  - Disasters/mass casualties
  - Overlap with preliminary inquiries
  - Correlation with registration of deaths
- 5.00 Discussion and Interactive Session
- 5.30 End of Day 2

### **DAY THREE (FRIDAY 4 APRIL 2014)**

#### **Judicial Independence**

- 8.30 Drawing the strands together from the training on Judicial Ethics and Recusal
- 8:45 Talk on judicial independence
- 9.30 Break out groups to address the issue: “What changed when I became a magistrate and how did it affect my behaviour”
- 10.30 Tea/Coffee Break
- 10.45 Plenary to discuss issues from break out groups
- 11.30 Break out groups - How to deal with pressure from the executive, colleagues and court staff. Hypothetical questions
- 12.30 Lunch
- 1.30 Plenary: How to deal with the pressure from the executive, colleagues and court staff - feedback from break out groups.

- 2.00 Break out groups. How to deal with other external pressures including
- a) the press and media;
  - b) approaches by members of the public;
  - c) social networking. Hypothetical questions.
- 2.45 Plenary session: How to deal with other external pressures - feedback from the break out groups.
- 3.15 Drawing all strands together and agreeing action points/protocols to address the issues raised in the plenary sessions. Feedback on this aspect of the course, suggestions for further training and improvement & way forward.
- 4.00 End of Training (Evaluation and Close)  
Tea/Coffee Break

\*\*\*\*\*