

**ADDRESS OF THE HON. CHIEF JUSTICE SIR ISAAC HYATALI, T.C. AT THE
OPENING OF THE LAW TERM ON 3 OCTOBER, 1979.**

Mr. President of the Bar Association et al:

FACE LIFT

The 16th Law Term of the Supreme Court of our country is being opened today in surroundings which, to the wonder and admiration of us all, have received a stupendous face lift and made them a joy to behold.

FINE EXAMPLE

If only this fine example of restoration and beautification would spread to every nook and cranny of our much abused city, what an agreeable and delightful haven it would be for its long suffering and good natured burgesses! Indeed, what a beautiful and adorable city it would be for the worthy citizens of our country as a whole!

INTER-RELIGIOUS SERVICE

It is fitting that the opening of the law term today was preceded by an inter-religious service since His Excellency the Acting President of the Republic, Dr. Wahid Ali, who participated in it, is the author of the idea that such a service was more appropriate for the occasion. We were honoured by his presence at the Service and on behalf of my brothers and myself and on your behalf, I tender to him our heart-felt thanks for making such a dignified and welcome contribution to our devotions this morning.

IMPORTANT DAY

The inauguration of a new law term in every year is an important and solemn day in the lives of Judges, Magistrates and Lawyers, since it is on this day we renew our vows and rededicate ourselves to the fair and fearless dispensation of justice in our land. But it is manifestly a day of equal importance and veneration to litigants in particular and citizens in general, because in the former case litigants are reassured by our vows and rededication that they can expect an "unbought measure of justice" from those who preside in our Courts for that purpose; and in the latter case, citizens are imbued with renewed confidence, that the strength and independence of the Judiciary will continue to fortify and preserve the integrity and preserve the integrity of our institutions, the inviolability of our fundamental rights and freedoms, and the enviable stability which happily reigns supreme in our fledgling democracy.

FORTHCOMING DEVELOPMENTS

During the course of this term, developments, changes and innovations of great significance to the legal profession and the administration of justice are expected to take place. It is my earnest hope that the Bar Association and the Law Society under the able guidance and leadership of their respective Presidents, Mr. Selby Wooding and Mr. Oswald Wilson, will not only continue to play a major role in supporting those measures which they consider worthy of introduction or implementation, but that they will also continue to make available to me as head of the judiciary, the benefit of their considered views, valued criticisms and wise advice and for which I have been, and am, most grateful.

CAUSE FOR REJOICING

It is a matter for much rejoicing that the Bar Association at long last, is well on the way to re-establishing itself as an organised, united and dynamic body; indeed, if the present momentum in that direction is maintained, then there is every reason to expect that in the not too distant future, we shall see the Bar fully restored to its pristine glory, and firmly established once more as the most influential and respected professional body in the country. To the early attainment of that desirable goal, my brothers and I wish the Association Godspeed.

DISCIPLINE

There are pressing and serious problems however to which the Association must address itself with a sense of urgency if its present efforts to restore its strength and image are not to be frustrated.

One of them is the discipline of members of the Bar. This gives cause for much grave concern. It is, alas, a truism, that the defaults of a new in such a profession attract the condemnation of all who belong to it, but is it not for this very reason that the few who are a law unto themselves in the profession should be singled out and dealt with firmly and promptly by the Disciplinary Committee established under the Supreme Court of Judicature Act, 1962 and empowered by Rules made thereunder to adjudicate upon complaints reported to it? The record of this Committee however shows otherwise. In fact, it is a dismal one, and constitutes a grave reflection on those whose defaults in attending meetings, destroy the value and effectiveness of the Committee as a whole In the result, many evils flourish in the practice at the Bar, and are left unredressed.

ADVERTISING

I have repeatedly observed with horror instances of objectionable advertising by some lawyers in contemptuous disregard of one of the inviolable principles of proper professional conduct at the Bar and yet these flagrant breaches have surprisingly escaped the notice or attention of the Disciplinary Committee.

EXORBITANT FEES

Also escaping the notice and attention of the Committee are reports of exorbitant and unconscionable fees extracted from unwary clients by some lawyers for simple and uncomplicated matters. For example \$15000 for a straightforward interlocutory application in Chambers and \$25000 for an uncontested divorce petition. Are these examples of extortion or do they constitute examples of what are proper professional fees for competent and conscientious counsel?

OTHER CASES

Other Cases of professional misconduct which have escaped the attention of the committee may be cited but it is not necessary to enumerate them here. I have been advised that several allegations of misconduct have not dealt with because of duly summoned meetings of the Committee have repeatedly been aborted for lack of quorum. Several anonymous reports of unethical behaviour by members of the legal profession are made to me from time to time but I take no notice of them since I can't be sure that they are bona fide complaints. There are those who complain to me orally and then make promises to do so in writing but these invariably remain unfulfilled.

REMOVING BLOTS ON THE PROFESSION

However that may be, it seems reasonable to infer, that many citizens aggrieved over the conduct of some Barristers do not complain to the Disciplinary Committee because its reputation and record of inaction and inertia are well known and well established. Responsible and respected members of the Bar Association cannot afford to allow the blots made on the reputation of their profession by a few of their misguided members to be perpetuated and I call upon them to use all the means at their command to ensure that immediate steps are taken to remedy the situation.

PROMPT DISCIPLINARY ACTION

A well organized, well intentioned and functioning Disciplinary Body is essential to the maintenance of the Legal Profession as one of honour and integrity. Consequently, it is of paramount importance to identify those who depart from the high standards of conduct expected of them as professional men and to make prompt disciplinary action against them in order to ensure that neither the image, strength nor influence of the legal profession is undermined or destroyed by the sins of a few.

DEFAULTING MEMBERS

One useful step that might be taken immediately is the submission of proposals to me by the Bar Council to relieve defaulting members of their appointment on the committee and filling their places by nominees of the Bar Council who can be relied on to attend duly summoned meetings of the committee.

CODE OF CONDUCT FOR BARRISTERS

Another useful step I suggest is the early formulation and publication of a professional code of

conduct for the guidance of all Barristers to cover, inter alia, their dealings with clients, their professional duties to the courts, and their relationships with those who administer justice, in the courts in which they practice.

THE AMERICAN CODE

The American Bar Association has led the way in formulating and publishing a code of Conduct not only for lawyers but also for judicial officers. Their example merits close study and consideration.

CODE FOR JUDICIAL OFFICERS IN CANADA

At the recent meeting of the Commonwealth Magistrates Association held in Oxford from 23 September 1979, a Chief Judge of the lower judicial hierarchy in Canada, in making his contribution on Court standards in the Commonwealth said, inter alia, that he advocated a code of conduct for judicial officers in his country but some of his brothers objected to it as not necessary, while others felt that it was. But from his observations, he said, he came to the conclusion that those who objected to it were in need of one, while those who agreed were not.

CODE FOR JUDGES IN TRINIDAD AND TOBAGO

I have not yet discussed with my brethren the formulation of a judicial code of conduct but I am aware that such a code exists in other countries. And in order to avoid the charge that I am not practicing what I preach for the Bar, I propose to submit for the consideration of my brothers the principles enumerated in the code of conduct for Judges by the American Bar Association and such other relevant codes as may become available from Commonwealth countries. I do not

anticipate any objection but if they are made they will be duly considered.

I invite the Bar Council to do the same for their members and would suggest that it should not only draw upon the code of the American Bar Association but also upon the Rulings of the Bar Council of England, adapting and modifying them where necessary to conform with local conditions, customs and traditions in our country.

DRESS REFORM

In consequence of proposals made to me by the President of the Bar Association and members of his Executive Council on dress reform in the Supreme Court, I discussed with my brother Judges the question whether the wearing of wigs should continue to be part of the proper mode of attire for Barristers and Judges in the High Court and Court of Appeal.

DIVIDED OPINIONS

I conveyed to them the representations of the President of the Bar Association that members of the Bar felt very strongly that the wearing of wigs in the Supreme Court should be discontinued but opinions were divided among the judges on the question. An overwhelming majority of them however were in favour of discarding the wig and after giving the question my best consideration, I came to the conclusion and so advised the President of the Bar Association that the majority view of the judges should prevail. In accordance with my undertaking to him, I now announce and so direct that the wearing of wigs in the Supreme Court by judges and Barristers is to be discarded with effect from Monday 8 October 1979.

THE PROPER WEAR

This is the only change that will be made for the time being. Consequently, the proper wear for Barristers when appearing in the Supreme Court will now be as follows: A black gown worn

over a black jacket over a white shirt with soft or winged collars secured by white bands.

NEW GOWNS

In recognition of our new status as a Republic, I have discussed with my brothers Judges and the President of the Bar Association, designs of a new gown for Judges of the High Court and the Court of Appeal, the Chief Justice, Senior Counsel and junior Counsel. These designs were submitted to me by a firm in London and after the discussions aforesaid, they have been re-submitted to the designers to effect certain amendments. As soon as these are received they will be submitted to the Bar and members of the Bar on or about March 1980.

TEMPORARY JUDGES FROM THE BAR

Discussions have taken place between the President of the Bar Association and myself on the question of obtaining the assistance of senior members of the Bar to perform judicial functions on a temporary basis to relieve the congestion in the civil and criminal lists. The proposal involves the creation of three or four additional posts in the Judiciary and the intention is that consenting members of the Bar will, subject to the approval of the judicial and Legal Service Commission, give their services to the judiciary for periods of at least three months at a time on the present terms and conditions of service applicable to Judges. The proposal has the support of the Attorney General and Minister for Legal Affairs and subject to the approval of the Government, the additional posts will, hopefully, be created before the end of the year. I am informed that response from the Bar Association most sincerely for the interest he has taken in the proposal which I made to him and the efforts which he made to persuade members of the Bar to sacrifice some of their incomes to make a contribution to the improvement of the administration of justice in the country.

THE NEW HALL OF JUSTICE

After persistent pleas over the past 23 years for a New Hall of Justice final plans were recently completed to begin its construction on 1 October 1979. This welcome stage was reached after several months of discussions and meetings to settle the requirements and needs of the Supreme Court and of those concerned otherwise with the administration of justice; and after an international competition was held on designs for this structure.

THE COMPLETION DATE

As full details of the results have already been published in the press, it would suffice for me to say at this juncture that the foundation stone of this edifice will be laid on 15 October 1979 and that steps are being actively pursued to ensure its completion in the year 1982. The High Court, the tax Appeal Board and the Court of Appeal will be housed in the Hall of Justice and it will have both a convocation Hall and a restaurant to serve the needs of all persons whose lawful business require their presence within its precincts.

THE MOVING SPIRIT

The moving Spirit behind this prestigious project - the first of its kind to grace our country – is the present Attorney General and Minister for Legal Affairs, Senator Selwyn Richardson who, in my view, richly deserves the unqualified thanks of the judges, the legal profession and the community for the crucial part which they played in getting the plans for this project approved and duly delivered to the contractors – Higgs & Hill - for the commencement of its construction on 1 October 1979.

THE CIPRIANI COMPLEX

Plans for the temporary accommodation of five Civil Courts at a new building with modern amenities and conveniences at Cipriani Boulevard were completed after I had placed the proposal before representatives of the Bar Association and the Law Society and discussed it in detail with them. I must place on record that both the Bar Association and the Law Society entertain strong reservation about this transfer but it became inevitable after I was advised that essential repairs to the floors and the roof of the section of Red House housing most of the Courts had to be undertaken to remove the danger created by the ruinous state of the structure in these areas.

DATE OF TRANSFER

In consultation with representatives of the Bar and the Law Society, steps will be taken to reduce to a minimum the inconvenience caused by the transfer and this will be done by implementing the list of requirements submitted to me by the Bar Association for the attention of the Attorney General. The complex at this boulevard will not be ready for occupation before the end of November and I earnestly invite the cooperation of the legal profession in making this transfer a smooth and successful one. It will only be a temporary arrangement for some three years and I feel certain that the facilities that will remain available to the profession at the section of the Red House which will continue to house the Registry and Criminal Courts, will alleviate most of the hardships and inconvenience anticipated or feared at the Cipriani Boulevard Complex.

SUPERIOR FACILITIES

It is noteworthy that in this complex, Judges of the High Court will be properly and conveniently housed in pleasant and agreeable surroundings and members of the legal profession will enjoy facilities there that are far superior to the Red House. This is an advantage which ought not to be ignored. Indeed, while in a transfer of this kind, the convenience of the legal profession has to be considered, it should not be forgotten that the convenience of Judges ought to be given due consideration as well. When the transfer is effected four criminal courts will sit in the Red House and nine civil will sit in the complex. With thirteen Judges sitting daily and continuously in the High Court it is fervently hoped that some appreciable impact will be made on the mounting arrears in the lists in these courts. These arrears are a blot on the new administration of justice and the additional accommodation now being provided is a matter of for which the Ministry of Legal Affairs should be warmly commended.

MASTER OF THE SUPREME COURT

In consequence of the inquiry and recommendations of the Corbin Committee, the appointment of which I announced at the beginning of the law term last year, representations have been made to provide a stenographer for each judge of the High Court, for additional staff to type judges' notes, reasons, judgments and summings up, and to create the office of Master of the Supreme Court. I am informed that all of these representations have been accepted in principle and that we will know the final result in the near future.

OUTSTANDING JUDGMENTS

There has been considerable improvement in the delivery of outstanding judgments in consequence of the implementation of suggestions made by the Corbin Committee but there

is still room for further improvement. When the recommendations for additional staff and a stenographer for each judge have been accepted and implemented, it is expected that protracted and undue delays in the delivery of judgments will be considerably lessened if not entirely eliminated.

THE TRINIDAD & TOBAGO LAW REPORTS

The stage has now been set to commence publication of a new series of Law Reports for Trinidad and Tobago. All the Editors have now been appointed and the first meeting will take place late this month after the return to the country of the lawyers who have been appointed to the Board of Editors. A further announcement will be made on this development later. These reports will incorporate suitable decisions in the Magistrates Court, the High Court, the Industrial Court, the Tax Appeal Board, the Court of Appeal, the Court of Criminal Appeal and the Privy Council. It is proposed to make it a comprehensive series of a high quality, and to make it available to the profession at a reasonable cost. I invite all the members of the profession to give their full support to this venture, and to cooperate with the editors in making it a success.

ANGLO-CARIBBEAN JUDICIAL EXCHANGE

In consequence of a proposal made to me by Lord Diplock for an Anglo-Caribbean Judicial Exchange on lines similar to one which took place between Malaysia and the United Kingdom in 1977, I obtained Government's approval of Lord Diplock's proposal and plans have now been completed to implement it. The proposal involves a visit to England and Scotland from 8 October to 21 October 1979 by five judges of the Caribbean Region – two from Jamaica, two from Trinidad and Tobago and one from Barbados. During their visit they will, inter alia, attend the hearing of an appeal in the Privy Council, the hearing of interlocutory proceedings in civil

actions before a master and Judge in chambers in London, attend the hearing of civil cases in the High Court of Justice in London, attend the hearing of criminal trials at the Old Bailey, attend the hearing of civil and criminal trials in the Courts of Session in Edinburgh and finally a conference between the Caribbean and the United Kingdom Judges at a conference Centre to discuss their experiences and to take decisions. I have selected Mr. Justice Corbin of the Court of Appeal and Mr. Justice Clinton Bernard to be the representatives of Trinidad and Tobago and they leave on Saturday next to take part in the programme I have just outlined.

RETURN VISIT

The English team led by Lord Diplock will return the visit to the Caribbean from December 30, 1979 to January 13, 1980 and it is proposed to have a Law Seminar some time between those two dates to coincide with the visit to Trinidad and Tobago. The success of this seminar will depend on the assistance and cooperation received from the legal profession and I will be submitting proposals to its representatives shortly for their consideration and approval.

LORD DIPLOCK'S GREAT INTEREST

Lord Diplock has expressed great interest in meeting and holding discussions with members of the legal profession, the law students at the Universities and Law Schools, the magistrates and the Judges, and I am quite sure that all of them will consider it an honour and a privilege to meet with such an eminent and outstanding Jurist of the House of Lords and the Privy Council, which by our constitution is the final court in our judicial system, he is a member of the judiciary of Trinidad and Tobago. He made this point, to my delight, in a letter I received from him in November last year, in which he said that he prided himself on being a member of the Judiciary of Trinidad and Tobago.

WARM WELCOME

I feel certain that we would all wish to join in extending a warm and cordial welcome to Lord Diplock and his team of Judges when they visit our country in which, I am happy to state, Lord and Lady Diplock have been invited to be the specially honoured guests of the Judiciary of Trinidad and Tobago. Considerable benefits will undoubtedly accrue to our Judiciary from this exchange and I *feel* certain that our English counterparts will also derive much benefit from their visit to this country and the other countries of the Caribbean.

THE MAGISTRATES

The Salaries Review Commission established under the Republican Constitution have recommended a new deal for the Magistrates of the country and it is my earnest hope that the majority recommendation will receive the favourable consideration of Government. If they do, then we can all say with a sigh of considerable relief, that the Magistrates have at long last been rescued from the back waters of our judicial hierarchy and placed in the position to which they rightly belong - one of dignity, honour and respectability. To carry out the commendable objects of the Judicial and Legal Service Act, mobility of the officers comprised therein, is essential to their achievement, and this can only be done by exposing all the officers therein to such a wide variety of judicial and legal experience that they will in the final analysis emerge as well furnished lawyers and fully qualified to fill the higher posts in the Departments of Civil Law and Criminal Law and, indeed, in the Judiciary itself. Unless therefore the proposals of the Chairman to promote and ensure such mobility is accepted one of the main and great objects of the Act will be utterly defeated. This is an important and vital point to bear in mind and I trust it will not escape the notice of those who are now considering the recommendations of the Commission.

THE COMMONWEALTH MAGISTRATES CONFERENCE

Trinidad and Tobago played a prominent role at the Commonwealth Magistrates Conference held recently in Oxford. In the discussions held at the Session on Court Standards, the participants listened with great interest and enthusiasm to our Attorney General who outlined for their benefit the proposals introduced and about to be introduced in Trinidad and Tobago to improve the status and conditions of service of magistrates. In the result, several requests were made by participants for copies of our White Paper on Law reform, our Judicial and Legal Service Act and the Report of the Salaries Review Commission.

Valuable contributions were made by the Chief Magistrate, Mr. Roland Crawford, and Senior Magistrate, Gladys Gafoor, who was honoured with and ably discharged the task of replying to the toast made to the Magistrates Association by Lord Elwyn Jones, a former Lord Chancellor of England. One of the Vice Presidencies of the Association went to Mr. Crawford as the representative of Trinidad and Tobago and it is expected that subject to the approval of our Government, Trinidad and Tobago will be selected as the venue for the next Commonwealth Magistrate's Conference. This anticipated decision bespeaks the favourable impression made by the representatives of Trinidad and Tobago on the participants at this highly stimulating and profitable conference of Commonwealth Magistrates.

CONGRATULATIONS

On behalf of my brothers and myself I extend to Mr. Justice Phillips sincere congratulations on the award to him of the Trinity Cross for his outstanding service to law and justice. It was a well-merited recognition of his distinguished career at the Bar, in the law officers department and in the judiciary. We take this opportunity of placing on record that the honour conferred on him has given us much pleasure.

MR. JUSTICE CROSS

Congratulations are in order too, for Mr. Justice Cross, who has been elevated to the Court of Appeal after a varied and distinguished career in the law and after blazing a trail in the High Court for speed, objectivity and erudition in the disposal of cases. Unfortunately he will be serving no more than three years (he will be 65 then), but the indications are that he will make a worthy and notable contribution in this arena during that period. He sits for the first time as a Justice of Appeal tomorrow and practitioners no doubt would take the opportunity of extending their good wishes and congratulations to him on that occasion.

MR. JUSTICE ROOPNARINE

The Supreme Court suffered a grievous loss when Mr. Justice Roopnarine passed away to the great beyond. A special sitting of the Judges of the Supreme Court will be held on Friday at 9:30 in this Court in which we are now sitting to pay tribute to his memory and we invite members of the legal profession to join us in doing so. Wigs will be worn for the last time in this Court on that day as we pay our respects to this dear and departed brother of ours.

CONCLUSION

I have omitted to present any statistics to you this year and I have done so deliberately. Next year will be time enough to do so – they will then be more revealing and noteworthy. So let me say in conclusion that my brothers and I are most grateful to the Commander of the Defence Force, Commander Mervyn Williams and to Lt. Col. Theodore and his men for providing the Guard of Honour at this year's ceremonies and impressing us with the smartness of their display and the high quality of their discipline. Next, we offer our warmest thanks to His Grace the Archbishop of Port-of-Spain for his invocations, the Right Rev. Clive Abdulah,

Bishop of Trinidad and Tobago, for his benediction, the Rt. Rev. Cyril Paul, Moderator of the Presbyterian Church, for his stimulating and thought provoking sermon, the Rt. Rev. Bishop Denny, President of the Trinidad and Tobago Council of Evangelical Churches, Pundit Mahadeo Sharma, President of the Pundits Parishad, Sanatan Dharma Maha Sabha of Trinidad and Tobago Inc. and Imam Hassan Karimullah, Vice Chairman of the Council of Imams, for their inspiring prayers, Mr. Justice Cross, Mr. Selby Wooding and Commissioner Randolph Burroughs for reading the lessons and last but by no means least the Very Rev. Dean Rawle Douglin for his valuable contribution to the success of the inter religious service at Trinity this morning.

As we leave the precincts of this Court in the Red House let us once more renew our vows to the cause of justice and rededicate ourselves to the sacred trust reposed in all judges, Magistrates and lawyers – a trust which was beautifully expressed in the stirring and memorable words of the Rt. Rev. Father Van Duin, when in preaching the sermon at the opening of term service on 3 October 1972 he said that –

“to render justice demands and presupposes on the part of judges, magistrates and counsellors a passionate commitment to the human rights of all citizens and an unselfish devotion to truth - a commitment and devotion which leave no room for interests that corrupt our human dignity, or fears that make us cowards.”

With these lofty principles in mind and which I commend to all for their constant guidance during the term, I now formally open the 1979-1980 law term and adjourn the sittings of the Supreme Court to Thursday 4 October 1979.