

**ADDRESS OF THE CHIEF JUSTICE, THE HONOURABLE
MR. JUSTICE CLINTON BERNARD, T.C., AT THE
OPENING OF THE 1991-1992 LAW TERM IN THE HALL OF JUSTICE, KNOX
STREET, PORT- OF -SPAIN, ON THURSDAY, OCTOBER 3, 1991**

I welcome all of you to this sitting and I thank those of you who found time to come to our religious ceremony earlier this morning.

I extend special thanks to the Inter-Religious Organisation, to the Dean and his followers at the Trinity Cathedral and to Pandit Ramnarine who certainly caused us all to leave the cathedral chastened by his inspiring and instructive homily.

Once again the time has come for me to address you and I now hasten so to do.

Speaking for myself, this is not the time for hysteria or panic or recrimination. On the contrary it is a time for good citizenship, counselling and resolve on the part of all good people in the community, and indeed all those involved in the day-to-day administration of justice. The latter is of especial importance. The truth is that criminal activity is on the upswing. The peace and comfort of the community are seriously threatened, and the judicial system, as in so many countries, is under severe stress and strain. It is precisely because of this that, more than ever, the period is not one for lethargy or slackness but one for decisive action and a sense of loyalty, commitment and patriotism on the part of all.

In this regard, I would be remiss if I omit to pay public tribute to those women in the profession who have displayed unhesitatingly that sense of magnanimity and indeed commitment to their country by coming forward at all levels and taking up the baton. But for them the business of the Institution would almost certainly have ground to a halt. Typical of the women of Trinidad and Tobago, you lady members of the profession have displayed that kind of leadership that is so necessary in the community today. Not surprisingly, from all reports at hand you

have been doing an exceedingly good job. On behalf of the people of Trinidad and Tobago I salute you!

You Joans of Arc continue to come forward. Continue to assert yourselves and make your presence felt. And continue to stand up and be counted for your country. Your hands that rock the cradle have always been considered to be true leaders. Continue to show us men what patriotism is all about.

Despite the constraints, the Judiciary has had a very fruitful year, I would in due course bring to the country's attention all the improvements and achievements that have come about in the judicial system since 1986, and leave the matter there for posterity. For the moment I would record only some of those which have been attained during the past term.

A. MARSHAL'S TRAINING PROGRAMME

Funds were granted by the UWI/USAID Caribbean Justice Improvement Project for a training programme for Marshal's Assistants.

The workshop took place on five consecutive Saturdays from June 23, 1990 to July 20, 1990. All Supreme Court Marshal's Assistants and three senior bailiffs from the Magistracy took part in seminars in areas such as the Marshal's duties in criminal, civil and admiralty matters, legal action by and against the marshal, use of English and report writing and security and public relations.

The workshop was opened by me and participants included Judges and Masters of the High Court, the Director of Government Training and a representative of the Commissioner of Police as well as the Registrars of the Supreme Court.

The workshop was a resounding success. It will be repeated whenever the occasion demands.

B. MECHANICAL AIDS

In 1989 a committee was appointed to administer UWI/USAID grant funds under the Caribbean Justice Improvement Project, most of which funds had been targeted for mechanical aids for note taking in the Supreme Court.

A working committee was appointed by Cabinet to undertake the necessary research and implement the system.

After considerable research it became clear that what was in fact needed was not tape-recordings as was originally being contemplated by a system of taking verbatim notes and speeding up transcription time.

This led to Computer Aided Transcription (CAT). CAT is a system whereby the court reporter who is a trained steno-typist takes notes verbatim with a specialized input device. CAT software translates these symbols into English prose with accuracy rates of up to and sometimes over 99 per cent.

Research revealed that the following were needed to implement this system:

- (1) Steno-type CAT training for existing staff of verbatim reporters who were either palantypists or pen shorthand writers;
- (2) A continuing training programme to create a pool of steno-typists trained in CAT;
- (3) substitute court reporters to cover the courts while our reporters were in training;
- (4) Computer hardware;
- (5) CAT software;
- (6) A CAT management design

A training programme was set up at the John Donaldson Technical Institute in Port-of-Spain in conjunction with EduCorp International Incorporated, a Texas based company, which was in the business of computerized court reporter training.

Training equipment was purchased and EduCorp training software installed.

Since it had become obvious that CAT was needed not only in the courts but also everywhere that there were verbatim reporters in the public service, places in the pilot training programme were offered to these departments.

The initial hardware and CAT software were purchased with the help of a Caribbean Justice Improvement Project grant from the Government of the United States of America. Foreign substitute reporters trained in the new technology were contracted to cover the court using the new VAT system. As of November, 1990 CAT was introduced in the Court of Appeal and in the Criminal Courts in Port of Spain and Tobago. In some matters in the Court of Appeal all proceedings were recorded. In the Criminal High Courts, summing up, guilty pleas, rulings and sometimes testimony were recorded.

The presence of the CAT trained substitute reporters allowed for experimentation with management design to enable stated goals to be achieved in the interest of the courts. I want to commend and thank the foreign employees of the contracted firm who have been with us from the start of the project for their understanding and assistance in getting this long overdue system on stream.

Now, the training programme is of two years duration and the first class is due to graduate late next year. By that time it is expected that all necessary equipment to run the full system would have been purchased on a phased basis and the management system best suited to our needs would have been designed and put in place. Dependent on the number of CAT reporters graduating in the first

group, CAT reporting for all testimony and proceedings should be in place in the Court of Appeal and at least three of the High Courts in Port of Spain and in Tobago by then.

Unfortunately, because of the poor condition of the San Fernando Supreme Court Building it will not be possible to put CAT equipment in San Fernando until the proposed new building has been completed. The system is an ongoing process and would, of course, take some time having regard to all the circumstances to become fully operative. The fact of the matter, nonetheless, is that the mechanical aid facility has now come to our higher Judiciary albeit quite inconspicuously. This facility has been a dream come true for me.

Before CAT could have been used to record testimony, a change in the law was necessary. To this end the Recording of Court Proceedings Acts, 1991 was passed in Parliament and later was assented to by His Excellency the President on 11th March, 1991.

The CAT experience has been a particularly enlightening one because –

- (a) it has shown us that in the Caribbean we need not always follow far behind first world technology; and
- (b) it has shown us that technology need not be prohibitively expensive; indeed, it can be affordable.

CAT also opens the way for boundless opportunities. When transcription is being done simultaneously with the oral testimony or submissions, the judge or attorney can link up to our library database for which library staff is at present entering data. It is proposed to have the Supreme Court Library linked to one of the international legal databases in the near future.

Funds for this have been proposed for inclusion in the estimates for next year. If these funds are approved, then when the project comes on stream the judge or attorney if need be, for example, if authority is cited, can, from the well of the court immediately consult the library data base and will be in a position to do any necessary research himself from there.

This practice obtains in the United Kingdom and the United States. Notwithstanding that all of this is being anticipated, on a trial basis it is proposed to implement a limited pilot scheme from sometime this month in one of the Criminal courts.

The Government of the United States has played a large role in the introduction of the CAT system in this country and also in other vital areas of training in legal fields. The CAT System will obviously go a long way towards improving the day-to-day administration of justice here.

I would be remiss in my duty if I did not take the opportunity, which I claim so to do now, to place on record our sincere thanks to the Government of the United States of America. The Judiciary and by extension the country at large owe the Government of the United States a debt of gratitude. The Institution is likewise grateful to those local entities which have been largely responsible also for the programme and the system and for seeing it through both in terms of finance and accommodation as well as personnel and for seeing the project through to a successful start.

C. COMPUTERIZATION

The Law Library of the Supreme Court is the focal point of the National Legal Information System. The library has embarked upon a programme of computerization of its resources of legal information, which has as its objective the establishment of a National Legal Data Base and Legal Information System.

Phase One of this project was begun in January, 1991, at the headquarters of the Law Library in Port-of-Spain. This involves a complete computerization of the decisions of the Supreme Court for the current year. Computerization for the years prior to 1991 is due to commence in January of next year.

The acquisition of micro-computers for San Fernando and Tobago during 1992 would complete the Supreme Court Information System. Funds for this have been sought for inclusion in the estimates for next year. If the funds are approved by Parliament, the exercise in this regard would be embarked upon.

The establishment of the Supreme Court Legal Information System and Database which is part of the proposed National Legal Database would certainly enhance the development of the administration of justice as it would provide for the following:

- (a) greater availability of legal information
- (b) access to and fostering the exchange of legal information through links with the Caribbean Legal Information Database at the Cave Hill Campus of the University of the West Indies in Barbados, which, it is understood, has already been implemented
- (c) the production of case law indexes, digests, law reports and legal bibliographies.

In addition to all this the Registry of the Supreme Court is in the process of programming and designing the Courts Records System for the purpose of handling the filing of court documents in the Supreme Court Registry.

The basic problem with the current manual system is that information from the bound registers and from court files is required simultaneously by a large number of members of the profession, staff, the public and the courts. This is impractical and invariably causes court files to be ruined, presents a security problem and

makes timely entries impossible. In the event, a system is required in which any interested party can access the nonclassified information in reading mode only.

The proposed computer system will, therefore, provide ready answers to questions such as the following:

- (a) What is the adjourned date?
- (b) What happened at the last hearing?
- (c) Is the judgment signed?
- (d) Is the order signed?

The system will also provide several important ancillaries such as the production of court lists.

It will also cater for other uses for the equipment such as word processing, form design, printing and for remote access. The latter features will allow for read-only access from other courts, registries and sub-registries or from law offices through telephone lines.

Funds to cover the outlay have been sought for inclusion in next year's estimates.

D. MOTOR VEHICLE CASES AND MATRIMONIAL PROCEEDINGS

A superficial survey of the matters set down on the general list of cases and awaiting trial revealed an overwhelming number of running-down actions pending.

A civil court was set aside to hear running-down actions only, and a single judge was assigned to that court for one year. An average of eighty-four running down matters were listed before him each month. An average of fifty-three matters were determined each month.

The preparation of a list of running-down actions in a system where causes of action in matters filed were not readily identifiable presented a problem. It necessitated a minute perusal by members of staff of files in pending matters. As a consequence, all pleadings had to be read. As a result of reports made to me of this and similar problems, a practice direction was issued by me on 2nd April, 1990 after consultation with the other members of the Rules Committee.

This direction required all documents filed to bear on the top thereof the nature of the cause of action and the name and address of the attorney to be endorsed thereon. Matters were indexed into five main categories and several subcategories and this was appended to the practice direction. Reports indicate that the practice direction has caused much improvement in the system.

With regard to matrimonial proceedings two judges have been assigned to hear these matters and, as the record will show, this has caused considerable improvement in the speedy handling and determination of these matters.

It has been represented to me that the two judges have been functioning so well and effectively that it would be in the interest of the administration of justice if they would be allowed to remain in these courts for as long as possible.

While I am flattered about these representations, the time eventually must come when these judges would have to be allocated to other courts.

E. THE RULES COMMITTEE

The Rules Committee, of which I am chairman, met on numerous occasions between October, 1990 and July, 1991 and has considered divers proposed rules.

The Committee made representations to the competent authorities in certain areas and has drafted rules on the following matters:

- (1) Amendment to Order 18, rule 2 of the Rules of the Supreme Court to provide for an automatic extension of time for service of a defence where a defendant has filed an application under section 7 of the Arbitration Act, Chapter 5:01.
- (2) An amendment to Order 18, rule 6 to provide for the filing of all pleadings.
- (3) An amendment to Order 20 to provide for amendment of pleadings by consent.
- (4) An amendment to Order 25 to provide for automatic directions in certain cases where a claim is made for special damage in respect of any damage to a vehicle involved in a collision.
- (5) An amendment to Order 42, rule 3 providing for clarification of the relevant date of a judgment or order.
- (6) An amendment to Order 42, rule 3 providing for clarification of the date of a default judgment.
- (7) An amendment to Order 65 dealing with personal service of an originating document
- (8) An amendment to Order 65 dealing with affidavits of service.

- 9 Rules to provide for the Registrar to assess evidence in undefended divorces, certify same, and to place them on a Special Procedure List for speedy disposition. No longer would a High Court judge have to be fully involved with this exercise as obtained in previous years.

I am happy to record here that these rules have since been laid in Parliament. See in this connection the Supreme Court (Amendment) Rules, 1991-Legal Notice No. 67 dated 7th June, 1991 and the Matrimonial Causes (Amendment) Rules, 1991-Legal Notice No. 71 dated 13th June, 1991.

The Committee also considered the following:

- (a) The proposal Supreme Court (Special Jurisdiction) (Copyright) Rules, 1991.
- (b) A proposed amendment to the Rules of the Supreme Court to deal with inactive matters.
- (c) Proposals concerning judgment summonses under the Debtors Act.
- (d) Proposed amendments to Order 62 relating to fees.

Consideration of these matters have not yet been concluded because parties concerned and to whom the draft rules have been sent, have re-opened fresh discussions with the Committee.

F. UNSWORN STATEMENTS FROM THE DOCK AND OTHER PERTINENT MATTERS

Since my last address unsworn statements from the dock by accused persons at their trial have been abolished. See in this connection the Evidence (Amendment) Act, 1990.

The recommendation for its abolition was mine. Fortunately, on this occasion the Government of the day had the courage to agree with my recommendation and as a result later brought appropriate legislation to Parliament.

I vividly remember the criticisms that had been advanced against the enactment of the legislation. The assaults included a media editorial. The claims to human and fundamental rights by accused persons were many. In short, the critics attacked the proposal with the greater vigour and emotion.

Nevertheless, the Government, with the support of the then opposition, stood its ground and the legislation was eventually passed and enacted. But that was not the end of the matter for the issue later arose in the Privy Council in the appeal of one Michael Bullock against the dismissal of our local Court of Appeal of his appeal against conviction of murder.

When, the following the argument, the Privy Council learnt that Trinidad and Tobago had abolished this procedure, it complimented the Country for its wisdom and expressed the hope that other Commonwealth Countries would follow suit.

The sentiment having come from abroad, the critics, no doubt, finally considered that they had been effectively silenced and, no doubt, repaired to their respective sanctums obviously chastened and in deference to our external overlords.

A number of other changes in the law had also been proposed. However, some of these which I considered essential to the maintenance and preservation of law and order did not find favour with the Government. Perhaps, if these proposals had been entertained, the state of affairs may not have been what it is today.

Nevertheless, some measure of quiet satisfaction could be derived from the fact that to all appearances the spinning wheel has come full circle if one is to judge by public reaction and the strong sentiments that were expressed in a hallowed

and revered forum recently. I consider those events and incidents to be a complete vindication of the stand which, as the person responsible for the administration of justice in this country, I had taken some years ago but for which I was pilloried. Time heals many wounds. The chickens have come home to roost.

Now, regrettably, everything is unfolding before our very eyes. Some are laughing all the way to the bank while generations of our people are being wantonly destroyed. What about that opinion poll? Is it still the view of that particular writer that the result of it was gut reaction? Do you think, my good friend, that when caught and charged in Malaysia or Singapore the alleged wrongdoer is granted bail? What! To permit him to come out and continue to peddle his wares or skip the country or after he is convicted he is granted bail whether he be a resident of that country or a foreigner, he be allowed to leave the country on the basis of his constitutional right-never to return or to be heard of again and thereby make a mockery of the system as in this country? Not at all!

In those countries the authorities there do not mince matters with those who indulge their taste for this diabolical and pernicious activity. As a matter of fact, if the culprit is found guilty of this activity there, the penalty is death and the wrongdoer has to face the executioner for real. The reason for this seems obvious. This monster is no respecter of persons and in its wake it leaves destroyed individuals, whole families, and ultimately communities.

Can one who cares for his fellow man look the other way or treat a thing like this with kid gloves? I should think not. It is strange but true that when foreigners come to our shores and are caught indulging in this illegal activity we are always inclined afterwards, even though we are aware of their nefarious intent, to be so condescending and patronizing; but yet when ours are caught in their country

they are put away lock, stock and barrel. Not a squeak is ever heard from the bleeding hearts here.

G. COURT BUILDINGS

I must perforce now say something about courthouses.

(a) Princes Town

The new Princes Town Magistrates' Court has been completed. The keys to the building were formally handed over to me by the Honourable Attorney General on 16th September last. This new courthouse has also been one of my goals. Certain things are being put into place, and hopefully the District Magistrate and his staff will be moving into a new and imposing home shortly. Actually there is accommodation at Princes Town for more than one magistrate. It is clear, and rightly so, that the planners have targeted for the future. This forward thinking measure is to be admired by all.

(b) Arima

The position with Arima is simply this: Temporary accommodation has been found and the situation there is, for the time being, barely tolerable. I am advised that the delay in the start of the construction of the new building on the existing site has been due to a domestic problem within the contracting firm. The authorities would have to make up their minds soon about the matter. It is neither right nor fair that the taxpayers of this part of the country should be deprived to those facilities for any further length to time, albeit that, as I said, is not the fault of the Executive.

Litigation here has increased considerably over the years and an additional magistrate is an imperative if the workload is to be adequately handled.

I hope that this time next year this target of mine for Arima would have been achieved as well.

(c) San Fernando

The taxpayer in this district and those attorneys who have been practising there have waited a long while. They have been very patient. Their patience will soon be rewarded. The hopes and aspirations of so many of us are coming to fruition. Physical evidence of what is in place for San Fernando and its environs has now come to the fore. What is indeed the first stage of the new San Fernando Supreme Court is now quite conspicuous.

The steel structure of this part of the court building has arisen like a proverbial phoenix, and is now in place. I am informed that if all goes well this part of the court will be available for use by the end of the current term, if not before, after which the final stage, that is to say the refurbishing of the existing structure, will commence. I want to remind everyone of the age old expression "Live and let live". Thus, since construction will take some time, a number of people will be inconvenienced by the hubbub and activity on the site. The nerves and patience of many would, no doubt, be taxed to the limit. But we cannot eat our cake and have it. The new building is essential and is for the benefit of all. Once that is accepted there will be need for absolute tolerance on the part of everyone.

This project is another one of my pet dreams. It is imperative for the smoother functioning of the administration of justice in the San Fernando jurisdiction, given the acknowledged fact that litigation has increased by leaps and bounds in the country. Now that the project is on stream, I trust that nothing would be allowed to stand in the way of its final completion.

Of course, of such significance is this event to Trinidad and Tobago that, to commemorate it and in acknowledgement of the country's appreciation to the pioneers and providers, it all goes well and if the profession ultimately agrees it is more than likely that the ceremonial opening in 1992 will be held in San Fernando.

Tobago kindly take note. That is why for so long I have been pressing your chairman of the Tobago Assembly to try and so arrange affairs in order that the Judiciary could pay the island the respect and recognition that is warranted to her. Tobago is no longer a Ward; She is an equal partner in the twin-island state and must be paid by the Judiciary the recognition and respect that she too so richly deserves.

H. RETIREMENTS AND APPOINTMENTS

Mr. Justice des Iles, Mr. Justice McMillan, Mr. Justice Warner, Mr. Justice Blackman and Mr. Justice Douglin have retired from the Bench. Mr. Justice Warner, Mr. Justice Blackman and Mr. Justice Douglin had indicated their willingness to serve for a further two years under the provisions of section 104(2) of the Constitution. Their services were all retained

Further, having completed his extended period Mr. Justice Warner has indicated his desire to step down and now will no longer be with us. On behalf of the Judiciary and on my own behalf I would like to take this opportunity to thank Mr. Justice Warner for his invaluable contribution to the jurisprudence of the country, and wish him well in the retirement. I also wish the recent retirees well in their retirement. Mr. Justice Hamel-Smith and Mr. Justice Gopeesingh have since been elevated to the Court of Appeal.

Mr. Justice Ramlogan, Mr. Justice Razack, Mr. Justice Persad-Maharaj, Mr. Justice Jones, Mr. Justice Best, Madam Justice Sealey and Madam Justice Margot Warner have been appointed to the High Court Bench. Ms. Brenda Paray, Mrs. Christie-Ann Morris-Alleyne and Miss Evelyn Ann Petersen have been appointed to act as Master of the High Court, Registrar and Marshal and Deputy Registrar and Marshal respectively, of the Supreme Court. Mr. Gary Kelly has been appointed Administrative Secretary to the Chief Justice.

I. STATISTICAL ANALYSIS AND FINALE

I would not overload this address by giving at this hearing a detailed analysis of the record of the Judiciary during the last term and more particularly so since the statistics would necessarily include details relating to the term previous to the last. In the event, such details have been drawn up and would appear as an appendix to this address. In addition, it is proposed to publish these details at the various Registries. Suffice it to say the statistics speak for themselves.

Taking into account all relevant factors I think that it could safely be said that the Judiciary has continued to perform quite well. Our arrears have now been reduced to manageable proportions. In this regard, unlike the past, they go back to just a few years hence. So there is no need to gild the lily or to resort to any form of embellishment. I would take the opportunity to add this here however: Compared with the past, and with particular reference to the period prior to 1986, the Judiciary has done very well indeed. Its record of performance since then tells its own incontrovertible story.

I invite all and sundry, and in particular the media, to come and see for themselves. I harbour the view that if they should do so they would be more appreciative of the situation and that at least one of them would desist from running to print, without checking the facts beforehand, and creating unnecessary hysteria in the mind of the public, as for example, the occasion when that preposterous article was published to the effect that there was a backlog of some one million cases outstanding in the Magistracy, and yet in another case that there was a huge backlog in the Judiciary going back to many years.

Take for instance yet the latest example. Recently there was a public complaint about the state of affairs in the Magistracy. No steps were taken beforehand to ascertain the reason why Magistrates had to double up for some time in the courts for a short while. Because of the unnecessary alarm that had been raised.

I had called upon the Chief Magistrate for an explanation, although I was already aware of the existing situation.

For the record, this is what he has since submitted to me for public dissemination:

“Illness and tragedy plagued and pursued Magistrates, considerable depleting their ranks for a certain period of time within the recent past.

One Senior Magistrate was the victim of a vicious attack resulting in his immobilisation for some eight weeks. Another Senior Magistrate had to have emergency surgery and is now abroad seeking further medical attention. Tragedy struck three members of the family of another Senior Magistrate resulting in their hospitalisation; it was necessary, therefore, for him to be granted a period of leave of absence so that he could be with his family.

Thereafter, two magistrates took ill, one within 24 hours of the other, the former having to be hospitalised. With these magistrates on varying periods of leave of absence, the remaining magistrates had to close ranks and take up the slack. This they did courageously and valiantly. Some measure of inconvenience had to be experienced by attorneys and members of the public, and the forbearance that they displayed and co-operation that they unstintingly gave clearly demonstrated their appreciation of the fact that the misfortune of the afflicted magistrates were totally unforeseen, unwelcome and entirely beyond their control. Any reasonable person would have seen it that way.

I am happy to state that all but one of the magistrates, who were on leave of absence, are now back on the bench. The absent magistrate is expected to resume duty in early October. The addition of the newly appointed magistrates to the staff of the Magistracy means that there will now be a magistrate presiding in each court at NIPDEC House and from early October there will also be a magistrate presiding in each court in San Fernando. There will also be magistrates in both courts in Chaguanas.

It must be understood, however, that ad hoc arrangements would have to be made whenever magistrates proceed on a vacation leave- and some will be so proceeding later in the year, having earlier deferred their leave in order that they could have been on hand to deal with the problems occasioned by the absence of their colleagues.

These two magistrates will bring long awaited relief to their colleagues whose burden of work would have been increased as a result of the staff shortage. But I must state that the increased pressure of work with which magistrates would have had to contend, notwithstanding, they were all appreciative of the fact that a magistrate cannot be appointed overnight or in indecent haste; too great a price could be attendant on such a course of conduct and disastrous consequences could flow therefrom. The maxim 'hasten slowly' is very pertinent here."

I entirely endorse the observations and sentiments expressed by the Chief Magistrate.

Another matter deserves mention. Speaking for myself, the establishment of a Drug Court is not that simple. It would, in my view, lend itself to undue bureaucracy and with this, unnecessary rigidity. Moreover, it could involve the question of constitutionality, which, among other things, could give rise to a flood of litigation. This would aggravate the situation and serve to congest further the business of the courts of the land. One just has to recall the Jamaica experiment and its later experience with the establishment of its Gun Court there.

Let me make this point quite clear through that the question whether a special Drug Court should be set up in the country is pre-eminently and exclusively one for Parliament, and people like myself, are in duty bound to respect the wishes and dictates of this august body. But if, respectfully, I may be permitted to express my views both as a citizen of this country and one who has had peculiar knowledge of the state of affairs, there is for the time being, at any rate, absolutely no pressing need for any such special court.

I emphasize this point simply because, as the record will demonstrate, cases with a drug emphasis are being dealt with both at the level of the Lower and Higher Judiciary with the greatest despatch; so much so that, so well is the Magistracy handling the situation with drug cases that in Tobago the Court of Appeal is now engaged with appeals filed there as recently as 1991.

In San Fernando the Court of Appeal is hearing appeals filed between 1989-1990. The reason for the apparent shortfall in this jurisdiction which, incidentally, caters for the whole of the southern part of the island, is, as I pointed out earlier in this address, lack of accommodation for the Court of Appeal.

However, in the case of the Port-of-Spain jurisdiction where space is not a pressing problem, the Court of Appeal has already long embarked upon appeals filed in 1990, i.e. last year. Any person who harbours or contends to the contrary would, in my view, be a harbinger or a disgorging of a great deal of misinformation and I invite him, who is still not convinced despite these disclosures, to come and check the records for himself if only to relieve him of his persistent doubts or misgivings.

Having said all this, what I would with respect, like to urge upon the authorities and the country for consideration and implementation now is the establishment of a Family Court and Small Claims Court for which, like so many, I have been calling ever since my appointment to the office in 1985. The nation has been experiencing social and psychological problems of a kind hitherto unimaginable. After all, it has been said and acknowledged time and time again that the ruin of a nation lies in the homes of its people. Hence, the urgent need, in my view, for the creation of a separate Family Court where matters affecting parties at all levels could be dealt with in an atmosphere conducive to an understanding and appreciation of these genuine human problems. And as regards the Small Claims Court, this facility, in my view, would afford easy access to certain persons at the minimum of expense.

One final word: Save for the opinion of some who are well-known to be economical with the truth, the majority view is that the Judiciary of this country is, as I said before, performing well and is well respected and admired. The complex and abstruse matters with which it has had to deal, and its approach thereto have won the admiration of a good many. We must, therefore, see the

constant irritations and tantrums for what they really are, namely, unvarnished twaddle or vulgar balderdash.

We in the Judiciary must soldier on undaunted, notwithstanding these irritants. We must continue to suffer in silence, but at the same time continue to console ourselves with the truism that trees that bear no fruit are never stoned and in the profound knowledge that those who matter know the truth and stand solidly behind us.

Of course, the Judiciary, and by this I mean the Higher and Lower Judiciary, can do better. I readily concede this. Nevertheless, one cannot increase the volume of a party's responsibility without a corresponding increase in the strength of his manpower. The one does not go without the other. To fail to observe this logical and cardinal concept is likened to a case of a person who is said to be burying his head in the sand.

I have spoken about this for years and have made suggestions which, in my view, are quite reasonable. However, my appeals have so far fallen on stony ground. I trust that, in due course, wiser counsel will prevail. As I said before, litigation has increased considerably in this country and, moreover, the areas and tributaries of jurisprudence have been widened in a great measure at all levels.

What we need now if the system is to be properly serviced, particularly in San Fernando, Arima and Tobago, are at least two more judges in the Court of appeal, or, if not, amend the Constitution further to provide for retired judges to sit in the Court of Appeal, four more High Court judges and six magistrates to further service Princes Town, San Fernando, Arima, Tunapuna and Tobago. I am informed that there has been no increase in the complement of magistrates over the last 11 years. Until there is a response to the request for an increase in the complement of judges and magistrates, the Judiciary of this country would

continue to strive, notwithstanding, to do its utmost to ensure the continued preservation and maintenance of the Rule of Law in the Country.

I now formally declare the Opening of the New Law Term. The sitting of the Court is adjourned to Friday, 4th October, 1991

**SUPREME COURT
OF
THE REPUBLIC OF TRINIDAD AND TOBAGO
STATISTICS OF MATTERS FOR THE LAW TERM**

(Period October 1, 1989 to July 31, 1990)

TOBAGO

Filed

High Court Civil Cases	...	...	...	170	
High Court Matrimonial Cases	...	...	...	32	
				202	202

PORT OF SPAIN

Filed

High Court Criminal Cases	...	...	...		280
High Court Civil Cases	...	...	...	4041	
High Court Matrimonial Cases	...	...	...	1003	
				5044	5044

SAN FERNANDO

Filed

High Court Criminal Cases	...	...	...		216
High Court Civil Cases	...	...	...	1080	
High Court Matrimonial Cases	...	...	...	359	
				1439	1439

COURT OF APPEAL

Filed

Criminal Appeals	...	...	...		136
Civil Appeals	...	...	...		145
Petty Civil Appeals	...	...	...		12
Magisterial (Port-of-Spain, San Fernando and Tobago)	...	...	...		283
Applications	...	...	...		17

Motions	...	...	...	...	65
Chamber Matters	...	...	...	...	191

TOBAGO

					Listed	Determined
High Court Criminal Cases	...	...	...	...	23	15
Civil Courts	...	...	...	...	107	31
Chamber (Judge)	...	...	...	...	52	37
Judgement Summonses	...	...	...	...	18	07
Motions	...	...	...	...	04	03
Matrimonial (Chamber)	...	...	...	...	35	23
Matrimonial (Divorces)	...	...	...	...	36	28
Master's Court	...	...	...	...	63	31

PORT-OF-SPAIN

					Listed	Determined
High Court Criminal Cases	...	...	...	...	243	150
Civil Courts	...	...	...	...	3283	934
Chamber (Judge)	...	...	...	...	3217	993
Judgement Summonses	...	...	...	...	738	265
Motions	...	...	...	...	270	127
Matrimonial (Chambers)	...	...	...	...	4390	1160
Matrimonial (Divorces)	...	...	...	...	1215	818
Master's Court	...	...	...	...	2553	700

SAN FERNANDO

					Listed	Determined
High Court Criminal Cases	...	...	...	...	366	100
Civil Courts	...	...	...	...	713	289
Chamber (Judge)	...	...	...	...	1017	342
Judgement Summonses	...	...	...	...	332	107
Motions	...	...	...	...	148	46
Matrimonial (Chamber)	...	...	...	...	1066	470
Matrimonial (Divorces)	...	...	...	...	632	458
Master's Court	...	...	...	...	2092	874

COURT OF APPEAL

					Listed	Determined
Criminal Appeals	...	...	...	...	71	29
Civil Appeals	...	...	...	...	227	63
Petty Civil Appeals	...	...	...	...	41	34
Magisterial Appeals (Port-of-Spain, San Fernando and Tobago)	...	...	...	...	254	167
Motions	...	...	...	...	179	91
Chamber Matters	...	...	...	...	510	307

(Period October 1, 1990 to July 31, 1991)

TOBAGO

FILED

High Court Civil Cases	...	...	...	251	
High Court Matrimonial Cases	...	...	...	38	
				—	289

PORT- OF- SPAIN

Filed

High Court Criminal Cases	...	...	...		39
High Court Civil Cases	...	...	...	3792	
High Court Matrimonial Cases	...	...	...	1003	
				—	4795

SAN FERNANDO

FILED

					96
High Court Criminal Cases	...	...	...	1292	
High Court Civil Cases	...	...	...	508	
				—	1800

COURT OF APPEAL

Filed

Criminal Appeals	...	...	...	...	109
Civil Appeals	...	...	...	...	201
Petty Civil Appeals	...	...	...	...	14
Magisterial (Port-of-Spain, San Fernando and Tobago)	...	...	...	...	641
Applications	...	...	...	...	30
Motions	...	...	...	...	89
Chamber Matters	...	...	...	...	265

TOBAGO

	Listed	Determined
High Court Criminal Cases	39	10
Civil Courts	99	39
Chamber (Judge)	94	70
Judgement Summonses	52	29
Motions	14	12
Matrimonial (Chamber)	65	33
Matrimonial (Divorces)	51	43
Master's Court	37	22

PORT- OF -SPAIN

	Listed	Determined
High Court Criminal Cases	329	229
Civil Courts	3093	1331
Chamber (Judge)	3030	877
Judgement Summonses	670	298
Motions	293	123
Matrimonial (Chamber)	2379	818
Matrimonial (Divorces)	1215	818
Master's Court	2403	587

SAN FERNANDO

	Listed	Determined
High Court Criminal Cases	346	105
Civil Courts	840	288
Chamber (Judge)	1012	334
Judgment Summonses... ..	405	120
Motions	190	62
Matrimonial (Chamber)	1038	440
Matrimonial (Divorces)	591	463
Master's Court	2496	1030

COURT OF APPEAL

					Listed	determined
Criminal Appeals	...	...	...	...	78	22
Civil Appeals	...	...	...	...	330	73
Petty Civil Appeals	...	...	...	...	13	09
Magisterial Appeals (Port-of-Spain, San Fernando and Tobago)	...	...	...	...	354	240
Chamber Matters	...	...	...	...	300	176
Motions	...	...	...	...	135	71