

ADDRESS OF THE CHIEF JUSTICE

THE HONOURABLE MR. JUSTICE MICHAEL DE LA BASTIDE, Q.C., T.C.

at the

Opening of the 1997-1998 Law Term

in the

SUPREME COURT

at the

HALL OF JUSTICE

Knox Street, Port-of-Spain

on

TUESDAY, 16TH SEPTEMBER 1997

BEGINNING OF TERM ADDRESS
SEPTEMBER, 1997

It has been said that there is no inconsistency between accountability and independence and I agree that judges can, and must be, accountable without compromising their independence. The opening of term address provides the opportunity for the Chief Justice to account annually for the performance of the Judiciary not only to those who are present to hear it, but also through the media to the nation as a whole. I regard that as a duty. The problem is that to give as full an account as one would wish puts a strain not only on the endurance of the Chief Justice but also on the patience of his audience. I have been toying with the idea therefore, of publishing in printed form an annual report of the Judiciary. I could then, with a clear conscience be much more ruthless in what I omit from my address. In particular, this would make it unnecessary for the most part for me orally to recite statistics, recount events and record facts. Even if this did not produce a more entertaining address, it would certainly make it shorter, and that I am sure would be a welcome change. After all as a result of a practice direction I issued two law terms ago, our reserved judgments are no longer read but are handed down in written form. Moreover, a few days ago Mr. Justice Lucky on returning from Judicial Contact in Australia handed me a very attractive booklet, which he had brought from New South Wales containing the 1996 Annual Review of the Supreme Court of New South Wales with an introduction by the Chief Justice of that State. There is precedent therefore, both at home and abroad, for the course, which I am considering. I raise this matter not only to test the water, but also in the hope that it may induce you to receive more indulgently what may be the last opening of term address of such Herculean proportions. A statistical review of the work done by the Supreme Court during the last year confirms my impression that the Court has continued to improve year by year on the level of

productivity it had previously achieved.

THE COURT OF APPEAL

I shall deal first with the Court of Appeal. The total number of appeals from the High Court that were determined was 272 of which 81 were criminal appeals and 191 were civil. A comparison with last year's total of 254 understates the increase, as this year I have insisted on counting cases, whereas in previous years the number of criminal appeals was determined apparently by counting appellants, rather than cases. I am trying generally to make the data provided by both the Court of Appeal and the High Court more meaningful and accurate. It is still possible to discern from a comparison with last year's figures two distinct trends. One is that the proportion of civil appeals in the overall total of cases determined has greatly increased. What accounts for this is that delays experienced in obtaining the transcripts of summings-up prevented the listing of more criminal appeals. As a result the West Division, in which priority is given to criminal appeals, heard more civil than criminal appeals in many months of the last law term. The other trend is that the percentage of capital appeals in the total of criminal appeals determined, has increased from 32 per cent in the previous year to 54 per cent last year. The Privy Council has set a target of 12 months for the determination of the local appeal in capital cases. Last term 12 capital appeals were heard and determined by the Court of Appeal within 12 months of conviction. In six of these, written reasons were also given within 12 months. In two others, the reasons were given just over 13 months after conviction, and in the four in which reasons are still outstanding, the time so far elapsed since conviction ranges from 11 to 16 months. It is fair to say therefore, that the Court of Appeal is doing its best to ensure that delay by it does not prevent the death sentence when lawfully imposed from being carried out. I should mention that last term's results were achieved notwithstanding that two other judges and I devoted the better part of two months to preparing for and hearing a single criminal appeal.

What then is left in the pipeline? Last year I treated as backlog appeals that were filed before 1995. The question this year, therefore, is: how many appeals filed before 1996 are still pending? The answer is 65 civil appeals and 100 criminal appeals. This means that the backlog of civil appeals has been almost halved since last year and the number of pending criminal appeals has also been reduced. Focusing again on appeals in murder cases, there are 31 such appeals now pending. Of these 31 appeals, fourteen were filed in 1997, and seven in 1996 and so 21 may be considered recent. The hearing of the ten older appeals has been delayed because of the unavailability of the summings-up but six of them are listed for hearing in the next six weeks.

Returning to the civil side, two years ago I reported that there were 1,109 civil appeals in which the record of appeal had not been filed although the time for filing it as provided by the rules or extended by the court had expired. This was a disturbing situation as it suggested that it was possible for unscrupulous litigants to file appeals for purposes of delay or harassment without any real intention of pursuing them and yet keep them alive almost indefinitely. I am happy to report that this problem has been eliminated. In the course of the last Law Term the Court of Appeal dealt with 363 cases of non-compliance and in 356 of these, dismissed the appeal. I am assured that the number of appeals on the books in which the filing of the record is out of time, is now down to about 150.

Finally, there are appeals from magistrates. During the last Law Term 229 of these were determined in Trinidad, and in August, another 50 were determined in Tobago. These figures are admittedly dwarfed by the 892 magisterial appeals determined in the previous law term. The reason for the decrease is simple - there were less of these appeals to be heard once the backlog had been removed. I must be careful, however, to define "backlog" in this context. By "backlog" I mean those appeals in which the notes of evidence have reached the Court of Appeal and which

are in a position to be heard. At the moment there are no more than 61 such appeals. There still remains the question whether the notes of evidence are being typed and sent to the Court of Appeal within an acceptable time frame. My strong impression is that they are not. This is an area, along with delays in typing and photocopying depositions for transmittal to the DPP, which I propose to investigate. My policy is to turn over every stone I find in order to see what is lurking underneath.

On this occasion of judicial stocktaking it is important not only to record our successes, but also to identify and acknowledge our shortcomings, so that remedial action may follow. In this spirit, I report that while we have succeeded in removing a number of backlogs, there is unfortunately a new backlog, which has begun to grow. It is one still relatively small, of reserved judgments. I suppose it is not surprising that this should have developed given the extremely full calendars of cases, which have been scheduled, in the Court of Appeal during the last two years. I offer that not as a defence, but only in mitigation. I would suggest six months as the maximum acceptable time for the delivery of a reserved judgment. If that benchmark is used, there are some 30 cases at present in which it has been exceeded by the Court of Appeal. I propose to take steps to eliminate these arrears in the coming term, fully realising that to do so effectively I must lead by example.

The statistical record of the Court of Appeal's performance last year is impressive. It does not, however, tell the whole story. The most important advance that we have made, in my view, is the change in attitude and approach of Bench and Bar to the prosecution and determination of appeals. Attorneys now understand, and to their credit accept, that they have the responsibility for the timely progress of the appeals, which they file, and that obstacles such as the unavailability of reasons or notes of evidence must not be allowed to halt their progress. There is

also a keener appreciation by Judges and Attorneys alike of the need to use the available court time to best advantage. This involves a much greater economy in the presentation of oral argument and increased reliance on written argument. Attorneys also appear to have come to terms with the Court's policy in the matter of granting, or rather not granting, adjournments. Hopefully, attorneys derive some benefit from this policy insofar as it enables them to plan their own schedules with greater confidence and certainty. I do want to stress, however, that greater economy of argument calls for a higher, not a lower, level of preparation. At times I have wondered if the Court of Appeal's anxiety to get on with matters has not inadvertently provided counsel with a temptation to, and possibly a cover for, inadequate preparation. I would not like to think that we have either contributed to, or been seen to condone, any slackening of counsel's efforts on behalf of their clients.

I must once again pay tribute to the dedication and industry of my colleagues on the Court of Appeal, which has made these results possible. In July, our Court was depleted by the grievous loss of Mr. Justice Lloyd Gopeesingh whose sudden and untimely death saddened us all. Tribute was appropriately paid to him at a special sitting of the Judges of the Supreme Court in this Convocation Hall, and he was posthumously and deservedly awarded the Chaconia Medal Gold in the recent Independence Day Awards. The same award was also made to retired Justice of Appeal, Mr. Jim Davis, who happily was able to receive his in person. The vacancy created by Mr. Justice Gopeesingh's passing has now been filled by the elevation of Mr. Justice

Lionel Jones and I take this opportunity of welcoming him most warmly to the Court of Appeal.

THE HIGH COURT

The Civil Courts

I turn now to the High Court. I will deal firstly with the performance on the civil side in the last law term. Between the 16th September 1996 and the 31st July 1997, a total of 1,483 civil cases were determined by the High Court representing an increase of 67 per cent over the 887 matters determined in the previous law term. Surprisingly, of the civil cases determined last year 846 were determined in San Fernando where three civil courts sat, as compared with 610 in Port-of-Spain where there were four civil courts sitting. The remaining 27 cases were determined in Tobago in the three months in which civil sittings were held there. The figures which I have for the amount of time which each civil judge spent sitting in open Court are admittedly not wholly reliable, but they strongly suggest that the amount of "down time", that is the amount of scheduled Court time not used, continues to detract from the optimum use of our resources. These figures indicate that about half the time on average the civil judges sitting in open Court spent less than two hours per day in Court. My own limited experience confirms this. For about three weeks in July, I sat as a Judge of first instance in the Second Civil Court, Port-of-Spain. During that time I tried two cases, a short running-down action and what turned out to be an uncontested probate action. All the other 14 cases, which came before me, were either settled or dismissed for want of appearance. As a result, I was usually back in my chambers well before 9.30 a.m. I am satisfied that much of this waste of Court time would be avoided by a system of pre-trial conferencing as this would not only produce more settlements at an earlier stage, but would also make it possible to estimate more accurately how long a trial will last. But more of this anon.

Regrettably there are no figures available, which would serve to define the size of the

backlog of civil cases in the High Court. It was only in 1992 that computerised records started to be kept of civil proceedings in the High Court Registry, but unfortunately even for the period since then, these records are not complete, as the entries, which should have been made, were not always made. In April this year an exercise was started consisting of the physical examination of every file in the Civil Registry in Port-of-Spain beginning in 1980, as this is the only way of finding out for sure what is in there. In the course of 3 months the four clerks assigned to this task completed their examination of the files for two years, 1980 and 1981. A similar exercise has been started in the San Fernando Registry. I have asked the Registrar to find some way to devote more staff to this exercise so that it can be expedited, and also to ensure that the making of computer entries is done from now on with scrupulous thoroughness.

It is comforting at any rate to know that the backlog of civil cases, whatever its size, is being reduced, as the number of new cases set down for trial during the last law term in Port-of-Spain was 449 as compared with 610 cases disposed of, and in San Fernando was 254 as compared with 846 cases disposed of.

THE CRIMINAL COURTS

I turn now to the criminal side of the High Court. During the last Law Term 560 criminal cases were disposed of in the High Court as compared with 476 in the previous year, an increase of over 17 per cent. Of these 560 cases, 308 were tried in Port-of-Spain, 229 in San Fernando and 23 in Tobago. Here again these figures could have been increased by a fuller utilization of the Court time available. A major problem was the not infrequent failure of the Director of Public Prosecutions to list a sufficient number of cases in the Assize Courts. This seems to have occurred mainly if not exclusively in Port-of-Spain, where there were often less than half a dozen

cases listed for hearing in a Court for a whole month. It appears that there is a bottleneck in the D.P.P.'s Department. I say this without any intention of criticizing the D.P.P. personally as I know he has for some time been suffering from a shortage of professional staff. Be that as it may, it is clearly an unacceptable situation to have some Criminal Courts idle part of the time while accused persons have to wait anything from four to eight years to be tried after they have been committed for trial. It is an anomaly that the criminal lists are fixed by the D.P.P. rather than by the Registrar, and I have asked the Registrar to put in place the necessary arrangements to enable this function to be transferred to him, a step which has the support, I may mention, of both the Attorney General and the D.P.P. That of course will not solve the problem, as a case cannot be listed until the indictment has been issued.

In Tobago five sittings of the Criminal Courts were scheduled in 1997. Already two of these, those in March and May, have had to be cancelled because there were no cases listed. It appears that for the sitting scheduled in October, there are so far only two cases, which can be listed. My enquiries disclose that there are only six other cases from Tobago in which there has been a committal. It is clear that at present two or three criminal sessions a year in Tobago would be more than enough to deal with the work there, and I propose to adjust the 1998 calendar accordingly. I should mention that up to 1994 there were only two sittings of the criminal courts in Tobago annually. If the state of the civil list justifies it, I will consider increasing the number of civil sittings in Tobago by way of replacement for the criminal sittings.

I want to commend the Judges who have been assigned to the Criminal Courts for their initiative and enterprise in focusing attention on some of the problem areas in the administration of criminal justice and in proposing and implementing remedial measures. It was on their suggestion that the system of Cause List hearings for criminal matters was introduced. Clearly,

these need to be converted into full plea and directions hearings such as are now held in England. It was also as a result of their initiative that it was discovered recently that there are literally hundreds of criminal cases Lying in the Registry which, having been adjourned for one reason or another, have not been relisted for trial or been otherwise disposed of. In the great majority of these cases, the accused did not turn up at his trial, and a bench warrant was issued for his arrest but has never been executed. It was found that there were 486 such cases in the Port-of-Spain Registry and 226 in San Fernando. These inactive cases constitute another type of deadwood, which needs to be cleared, in most cases by the D.P.P. filing a "*nolle prosequi*". This process, I am happy to say, has started.

In order to get a picture of the backlog of cases on the criminal side I have sought in the last two years to obtain from the D.P.P. the number of matters in which there has been a committal but as yet no trial. The figures I was given are as follows: in 1995, 2,651, in 1996, 2,636 and as of the 31st August 1997, 2,531, which is 4 per cent less than the previous year. These figures include the inactive cases to which I have already referred as well as those cases which are with the D.P.P. awaiting preparation of the indictment and which he informs me now number 650. Assuming these figures are accurate, progress has been, to say the least, slow. Hopefully, with the opening of the bottleneck in the D.P.P.'s department and a fuller utilization of the five Criminal Courts in Port-of-Spain and the three in San Fernando, the pace at which this backlog is being reduced will quicken.

THE RECRUITMENT OF JUDGES

Since the end of the last Law Term we have lost a total of eight judges. Five of these were retired judges who had been re-appointed to serve on the High Court Bench for fixed terms,

which expired. In addition, Mr. Justice Shah reached retirement age and Madame Justice Sealey resigned to take up the post of Principal at the Hugh Wooding Law School. Finally, there was the untimely death of Mr. Justice Gopeesingh to which I have already referred. In order to fill these vacancies on the High Court bench, a number of experienced attorneys were appointed as acting judges on the understanding that they would serve for periods of between four and six months. This is an expedient, which was adopted here very successfully for a short while in the late 1970's. There are several Commonwealth jurisdictions including England, Ontario and New South Wales, in which the permanent, full-time bench is or has been assisted either on an on going or an *ad hoc* basis, by lawyers who serve as temporary or part-time judges. I am happy to report that this experiment has again worked very well. In the course of last term, six attorneys who responded to my appeal for volunteers were appointed to act as judges. They were Desmond Allum S.C., Humphrey Stollmeyer, Sebastien Ventour, Seenath Jairam, Gregory Smith and Allan Mendonca. Of these, four have returned to private practice but two, Mr. Justice Stollmeyer and Mr. Justice Smith, have accepted permanent appointment on the High Court bench. For the opening of this new term four more acting appointments have been made, and as a result the Bench is strengthened by the support (albeit temporary) of Madam Justice Carol Gobin, Mr. Justice Ivory Sinanan, Mr. Justice Prakash Moosai and Mr. Justice Nolan Bereaux. In addition, there have been two other permanent appointments to the High Court Bench. Mr. Justice Rajendra Narine was appointed last term and very recently, Mr. Justice Peter Jamadar has been appointed. I am grateful to all those who left their practices to come and serve as temporary judges (and in some cases to their partners who agreed to lend them) and I extend a welcome to those who join us on the bench for this new law term. One feature of recent appointments to the Bench is the youthfulness of those appointed. The average age of the last six persons to have

been appointed High Court Judges (and I refer now only to permanent appointees) is 41. There are some side benefits to the use of temporary judges. It must be of advantage for attorneys to have the experience of sitting as a judge and seeing familiar situations from a different perspective. Moreover, our recent experience indicates that some, who come to do the job for a while, find they like it well enough to want to stay on-which helps to ease my recruitment problems. Nonetheless, the use of temporary judges must be recognised as a second-best strategy, an emergency measure resorted to pending the filling of all vacancies on the Bench with permanent incumbents of high quality. I am happy to report that the prospects of our achieving that goal received a boost when Cabinet accepted a report from the Salaries Review Commission recommending certain changes in the terms and conditions of service of judges. These changes were for the most part those, which I had argued for in a memorandum submitted to the Attorney General in December 1996. They include the following:

(1) The abolition of Judicial Contact and its replacement by an allowance of \$5,000.00 per month together with an enhancement of the judges' travel allowance so as to provide passages to London for the judge and his family (up to three adult fares) every other year. All the judges in office at the time of my memorandum are committed to exercising the option given to existing judges of accepting voluntarily this substitute for Judicial Contact. The result of this change interestingly enough is expected to be a decrease rather than an increase in cost to the Treasury.

(2) An increase in the allowance given to judges in lieu of the housing accommodation to which they are entitled, but which is now not being provided to many of them, from \$1,000.00 to \$5,000.00 per month, (\$7,500.00 in the case of the Chief Justice). Here again it will undoubtedly prove a lot cheaper for the Government to pay this allowance

than to provide and maintain the fully furnished super-grade housing which the regulations require.

(3) The fixing of the vacation entitlement of the Judges at four weeks and six weeks in alternate years in the case of High Court Judges, and six weeks annually in the case of Court of Appeal Judges, in addition to the short Court Vacations at Christmas and Easter. This serves to detach the judges' entitlement from the Court's Long Vacation and so removes one barrier to the further reduction and eventual elimination of the Long Vacation. I should mention that there is to be no carry forward of any vacation not taken in any year.

(4) The increase of the Judges' Allowance introduced in the 1981 Budget Speech of the late Dr. Eric Williams, from \$2,000.00 to \$3,000.00 per month.

The effect of these changes will undoubtedly be to make the judges' remuneration package more attractive, and in addition to remove some inequities and certain other undesirable features of the old system. Hopefully this will help to persuade more successful and talented (and even some older) attorneys to accept permanent appointment on the bench, even though one can never hope to match the rewards of private practice for those at the top. These changes are embodied in Regulations, which have just a few days ago been gazetted and come into force.

THE LONG VACATION

I have not changed my mind about the need ultimately to eliminate the Long Vacation and institute a twelve-month Court calendar. As I have mentioned, one of the barriers to achieving that has been removed by severing the link between the Judges' vacation entitlement and the Long Vacation. The other barrier, which I mentioned last year, is the need to increase

the complement of High Court Judges in order to facilitate round-the-year sittings. With the assistance of the Court Statistician I have calculated that we will need a minimum of 24 High Court Judges in order to operate on a round-the-year basis the 20 courts that we now operate. So it will be necessary at the appropriate time to request the Attorney General to seek the approval of the Cabinet and Parliament to a further increase in the maximum number of High Court Judges from 20 to 24, and to provide the necessary funds to pay these additional judges. I do not anticipate that there will be any need to increase the present limit of nine Justices of Appeal. It would seem sensible to advance further in two stages. Firstly, to further reduce the Long Vacation by limiting it to the month of August, and then to eliminate it entirely. You will no doubt be relieved to hear that I have come to the conclusion that before seeking to pursue any further reduction of the Long Vacation, we ought to take steps to utilize more fully the existing Court year by reducing the "down-time" of the Courts. Until that is done, I do not think it would be fair to all concerned to subject them to the initial dislocation that will be caused by further reduction or elimination of the Long Vacation. In the meantime, there may have to be an increased level of Court activity during the Long Vacation, as happened this year when two Assize Courts sat in Port-of-Spain throughout the month of August. You may wish to regard this as a temporary reprieve.

CASE MANAGEMENT

It seems clear to me that the next step we must take to promote efficiency in our courts is to introduce case management. I know we have been talking about this for quite a long time. Both our judges and attorneys have become very familiar with the new techniques of case and court management from reading reports produced in other Commonwealth jurisdictions such as

Lord Woolf's "Access to Justice" in England and the Civil Justice Review in Ontario, and attendance at conferences. It is hoped to introduce some of these techniques in Trinidad and Tobago with the assistance of a loan to be provided by the World Bank to our Government. Quite a lot of groundwork has been done in connection with this loan. The World Bank has sent representatives here on more than one occasion, and produced a report on our Judicial Sector. In December last year the Bank sponsored a visit to Tallahassee, Florida, by three of our judges, Mr. Justice Jones, Mr. Justice Best and Mr. Justice Kangaloo, and Master Morris-Alleyne, for the purpose of observing at first hand various aspects of their court administration. In May this year, the Bank co-hosted with the Judiciary a conference on Reforms in the Administration of Justice, at which there was very full and active participation by attorneys and magistrates as well as judges. In addition, in February this year, Mr. Justice Kangaloo and I attended a conference on Judicial Delay Reduction in Nassau, which was jointly hosted by the Governments of the United States and the Bahamas. The task which lies ahead is to decide precisely what are the innovations that we wish to introduce into our system and to stitch them into the fabric of our rules so as to produce a coherent and cohesive whole. This is a task, which I think it would be unreasonable to expect our part-time Rules Committee to perform. I am hoping that the funding which we expect from the World Bank will enable the exercise to be undertaken with the assistance of a full-time expert, recruited possibly from abroad, but working under the guidance of the Rules Committee. One way or another, with or without the Judging from the number of Magistrates that we lose to other Caribbean countries, it is obvious that the terms offered them here do not compare well with those on offer elsewhere in the region.

Turning to Court accommodation, the Port-of-Spain Magistrates' Courts continue to operate in the most appalling conditions at NIPDEC House. A decision was taken some time

ago to relocate six of the Criminal Courts now sitting in NIPDEC House to the old Magistrates' Court building at the corner of Knox and St. Vincent Streets in Port-of-Spain. I understand that the necessary works of refurbishment of that building have been held up pending the relocation of staff of the Ministry of National Security who are at present occupying it. Apart from the physical hardship on those who have to work or attend Court in the NIPDEC building, the lack of suitable security arrangements there are cause for concern. I hope that it will not take some tragic event to hasten the process of relocation.

The construction of the new Tunapuna Magistrates' Court has been completed and I understand the new building, which will house four courts, is expected to be handed over to the Judiciary next month. But the furnishing remains to be done. In one case recently it took almost as long to furnish the courthouse as it did to build it. Let us hope that experience is not repeated.

On my suggestion supported by the Law Association, the plan to build a Court Complex at Arima has been drastically scaled down so as to provide for six Magistrates' Courts and to omit the provision for High

Court accommodation, which is not needed at this time. It is hoped that this more modest project will not be long delayed, as the present rented accommodation is inadequate and unsuitable.

The Night Court continues to operate successfully in Arima on a voluntary basis so far as the Magistrate and Court staff are concerned. The number of cases determined has progressively increased year by year. The law has been amended to provide for the appointment of part-time Magistrates to staff the Night Courts but the terms and conditions of these part-time Magistrates have not yet been fixed. As a result, the opening of the other Night Courts, which it is proposed to establish, has been delayed.

I am informed that there has been a significant improvement in the transportation of prisoners to the Magistrates' Courts. The following factors however, which are outside the control of the Magistrates, continue to contribute to delays in the determination of matters:

- (a) shortage of Police Officers to escort prisoners to Court from the holding cell and back;
- (b) the failure of police complainants and informants to attend Court because they are on long leave and out of the country;
- (c) failure of the Police to serve summonses on defendants and witnesses on time or at all;
- (d) failure of law officers to attend Court because of the lack of staff in the D.P.P.'s Office;
- (e) delays in obtaining reports from the Forensic Science Centre, reportedly also due to shortage of staff.

Four of the five factors I have just listed give rise to many, if not most, of the applications for adjournments which are made to Magistrates. Failure of the Magistrate to accede to such applications almost inevitably leads to the dismissal of the charge. While I have expressed as forcefully as I can both in the Court of Appeal and to the Magistrates when I met them as a body, my disapproval of repeated adjournments which sometimes number as many as 30 or 40, one cannot but sympathise with the dilemma of Magistrates who are faced with applications of this kind. Those who have the power to do so must take steps to eliminate these causes for adjournments. This underlines a point, which I have repeatedly made, that is, the administration of justice is a very complex system involving the input of services from a number of different bodies and institutions as well as the provision of a number of different physical facilities. If the administration of justice does not work as smoothly or as efficiently as it should, there is little point in simply saying: "It is the judges' fault-they don't work hard enough, or fast enough" or "It

is the lawyers' fault-they are never ready and talk too much anyway". It is more useful to examine more carefully why the machinery of justice is not working as well as it should, and to fix those parts that need repairing and replaces those that are missing.

CONCLUSION

If I look back over the last two years, truthfulness alone requires me to acknowledge that whatever success has been achieved in increasing the productivity and efficiency of the Court system has been due largely to a combination of the following factors: the hard work and dedication of the judges, the co-operation and openness to change of the Law Association and the attorneys involved in litigation, the responsiveness and support of the Attorney General and the competence and industry of some key members of the staff of the Judiciary. On a personal note, I must say that notwithstanding whatever successes there may have been, I have experienced a fair amount of frustration during my period in office: I suppose that the keenness with which frustration is felt, varies inversely to the store of patience of the person experiencing it, and I admit that I am not well-stocked in that department. A virtue that is related to patience is tolerance, and tolerance was one of the watchwords that our nation was given at Independence. One does not hear so much about it these days (except from tobacco companies), probably because as we have become more conscious of our diversity, an attitude more positive than tolerance is being recommended. I am bound to say that a good deal of the frustration I have experienced - exasperation if you like - has been born of what I perceive to be tolerance of the unacceptable. You may wonder what I am talking about, so I will give you a fairly innocuous example. In preparing this address, I had occasion to discover that in four cases in which persons in Tobago have been committed by the Magistrate to stand trial, the depositions have

been typed but have not been sent to the D.P.P. because there is no paper to use for photocopying them. This moreover, I am told, is a shortage which occurs quite frequently and presumably was expected to continue to occur in the future with equal frequency. This is one small example of what I mean by "tolerance of the unacceptable". I assure you there are other instances, which are much more serious and indeed if you have been paying attention, you may have come across some of them in the course of this address. If I were permitted one exhortation to all who are involved in, or have a responsibility for, the administration of justice, and more particularly to those who work in the Judiciary, it would be this: Be intolerant,,-be intolerant of incompetence, of inefficiency, and of inertia, be as intolerant of these as you are (or should be) of injustice. If intolerance of this' kind were to spread, who knows what wonders we might perform. They would certainly dwarf anything so far achieved or imagined.

I now declare the 1997/1998 Law Term open and adjourn sittings of the Supreme Court to tomorrow morning at 9 o'clock.

M. A. DE LA BASTIDE

Chief Justice

16TH SEPTEMBER 1997.