

ADDRESS

of the

CHIEF JUSTICE

The Honourable Mr. Justice S. Sharma

at the

Opening of the

2004 – 2005 Law Term

in the

Supreme Court

at the

Hall of Justice

Knox Street, Port of Spain

on

THURSDAY 16TH SEPTEMBER, 2004

Honourable Attorney General, The Right Hon. Mr. Justice Michael de la Bastide, President of the Law Association, members of the legal profession, distinguished guests.

Two years ago, on my assumption of office as Chief Justice, I revealed what was already a notorious fact, that the Magistracy was in a shockingly disgraceful condition and had all but collapsed. Those who practised in the Magistrate's Courts and all those involved in the system had become so used to the deplorable conditions that they had unthinkingly become drawn in the malaise that had obviously set in. There was a sense of hopelessness and helplessness that was all pervasive.

I declared then that my main objective as Chief Justice was to seek to arrest any further decline, if that were possible, and to do everything I could to rehabilitate the system. I was not particularly encouraged since many of the legal pundits pointed out that the deterioration had gone too far and was really beyond the stage of restoration.

In spite of this, however, I was determined to make a start. The question was, where to begin? And then it occurred to me that matters were so disgraceful, that anything tackled would be a good start. My intention was, once we had begun to tackle the many problems, the task would be continued after I had demitted office. My hope was to make an appreciable difference to the Magistracy, and an overall improvement in the administration of justice.

It was clear to me then that whatever changes were to be effected, were not going to be dramatic nor would they have taken place

overnight, and I had said so. After all, what was being attempted here was to try and change or reverse a culture which had been in existence for over 50 years and had, through constant neglect, been allowed to decay. Two years on, I recognize it is very difficult to assess or discern what progress has been made. After all, this is a relatively short period.

UPDATE ON MAGISTRATES' COURTS –

As a result of the problems faced by the Judiciary with its buildings and the inability of the Ministry of Works and Transport to provide an Architect to assist with refurbishment works and design for construction, the Judiciary approached Cabinet and obtained approval for the hiring, on contract, of a Court Architect and two draftsmen. The Architectural Division became fully operational in March 2004 when these persons actually joined the Judiciary's professional team. As a matter of priority, the division is addressing temporary accommodation solutions, and also developing designs for the construction of new permanent facilities.

Finding appropriate accommodation to relocate magistrates' courts temporarily has been difficult, not only because of the process involved from the identification of a building to obtaining Cabinet's approval, but also because of the need for owners to first obtain full building approvals. The judiciary has however been engaged in a number of activities aimed at finding temporary accommodation to house the Siparia and the Chaguanas Magistrates' Courts.

ARIMA MAGISTRATES' COURT

You would recall when I spoke to you on previous occasions that I had indicated that quite a number of courts were non-functional. Some of them were so dilapidated that they were on the verge of collapse. Most notable among these was the Arima Magistrates' Court. This Court has at last been vacated and has been replaced by a new technologically advanced and an effectively functioning court, with all the modern facilities.

On March 12th when I opened this new Court I thanked the Magistrates for their supreme patience, dedication and commitment, and the staff for their loyalty, commitment and their devotion to duty. I noted then that collectively they had demonstrated their unswerving commitment to the administration of justice. Their conduct was worthy of emulation and admiration.

Today I wish to thank them formally – they are a credit to us all.

In another connection, I also on that occasion referred to the confinement of prisoners in vans parked in the mid-day sun and kept under tight security to await their names being called. I repeat what I said then, “While many of us regard prisoners at the lowest level of our society the fact is that though they are prisoners, they deserve to be treated like human beings and should not be robbed of their human dignity. It is something of a small miracle that there were no violent uprisings”.

Later on in this address I propose to deal with prisoners' conditions.

The newly opened Court in Arima is intended to be a temporary one. My only fear is that somehow in this country a temporary status can be so prolonged that in actual fact the transition between temporary and permanent is easily made. I am determined to ensure that this does not happen in this case.

CHAGUANAS MAGISTRATES' COURT

A building has been identified in Chaguanas to house the Chaguanas Magistrates' Courts temporarily. The court layout and design for the customization of this building have been completed by the Court Architect. The Property and Real Estate Services Division is in the process of negotiating the rental with the owner of the building. The next step will be to seek Cabinet's approval for the rental of the building. It is expected that the customization works for this building will begin within the next two months and be completed within six to eight months.

SAN FERNANDO MAGISTRATES' COURT

The layout and design drawings for the two buildings in San Fernando to house the San Fernando Magistrates' Court have been done and an implementation schedule and budget for the commencement and completion of works have also been completed. It is anticipated that the customization work on these two buildings will take approximately six to eight months.

SIPARIA MAGISTRATES' COURT

The existing building was recently upgraded as an interim measure to make the Judiciary's staff and other court users more comfortable. The Judiciary has however identified a suitable building in Siparia to house the court and is in the process of exploring both a rental and a purchase option, as it is believed, that this building is ideally suited to house the court permanently. The Court Architect has completed the court layout and design for the customization of the building. The Valuations Division has also completed the valuation of the building for both rental and purchase and has forwarded this information to the Property and Real Estate Services Division for negotiation with the owner.

NEW CONSTRUCTION - ARIMA, SANGRE GRANDE AND RIO CLARO MAGISTRATES' COURTS

In keeping with the Judiciary's strategic programme, several magisterial districts have been targeted for the construction of new court facilities. These include Sangre Grande, where land is already available, Arima, where two potential sites are being contemplated, and the phase-by-phase construction on the existing site of the Rio Claro Magistrate's Court. The users' brief have been completed for the buildings and the Architect and his Draftsmen are to schedule site visits in order to start work on the design and layout of the buildings. The Judiciary expects that these buildings will take two to three years to complete.

PLANS FOR A THIRD COURT IN TOBAGO

In May of this year, I met with a delegation from the Tobago House of Assembly (which included the Chairman) to see what measures could be taken by the Judiciary to deal with the increase in crime in Tobago.

The mainstay of Tobago's economy is tourism and there was a real fear and concern that the criminal element which had paralyzed Trinidad would do likewise in Tobago.

One of the complaints made was that in many drug related matters, because of inexperience, some police Prosecutors were not able to match the skill and experience of legal practitioners resulting in guilty persons being acquitted. In my speech last year, I had indicated my desire to see legally trained prosecutors replace the police prosecutors. I saw this as an ideal opportunity to introduce this plan.

It was decided with concurrence of the Attorney General and the DPP that three competent attorneys would be appointed to conduct prosecutions in the Magistrate's Court in Tobago. Of course, they will be under the direct supervision and control of the DPP.

An additional court would be set up with the requisite staff and a third Magistrate would be appointed to preside in this court which would deal primarily with drug related cases and all matters of crime which are to be dealt with expeditiously, for example, when tourists are involved. This Court would be accessible at all times to ensure speedy justice.

It was also decided in order to speed up matters in the other courts, case management would be introduced on an experimental basis to make the list more manageable, and that audio digital recording should also, on an experimental basis, be introduced. A note with respect to all these matters have already been submitted to Cabinet for its approval and estimates for costing and have been put forward to deal with this additional court.

It was also agreed that a department of the Forensic Science Centre should be located in Tobago, as this would ease the enormous workload, which has resulted in excessive delays in the preparation of reports and analysis of scientific specimens in Trinidad and Tobago. It is also clear to me that the time is now long overdue, for the location of such a centre.

This new Forensic Science Centre should be fully equipped and properly staffed in order to ensure that the people of Tobago are treated no less favourably or equally than their Trinidad counterparts. Of course, the matters to which I have alluded will take some time. I am sure that with the co-operation of all, we should be able to accomplish this by early next year.

UPDATE ON COURT REPORTING – NOTE-TAKING SYSTEM

In my previous speeches I have complained bitterly about the archaic and laborious note-taking system by hand in our Courts. Forgive me for raising it once again. This system of note-taking has been an anathema to the administration of justice. It is the one

single factor, which is responsible for the most problems in the administration of justice.

One example will suffice, - when an appeal is filed against a judge's decision many times he has to sit with his secretary, to decipher the notes, which were hurriedly taken in order to ensure the evidence of a witness is fully and accurately recorded.

The judge sits from day to day – as he concludes one case he almost invariably starts another. It is not uncommon for a judge to have several appeals pending at any given time. In a typical day he has little or no time to sit with his secretary to carry out this tedious exercise. If this situation is multiplied several times (as other judges are in a similar position), the net result is that a huge bottleneck arises. It means that an appeal cannot be listed for hearing until the notes of evidence are available – whenever that might be

THE PRESENT POSITION AND FUTURE PLANS – THE SOLUTION

The Judiciary is fully aware that trained court reporters on the whole – are few in number and salaries demanded are quite competitive within and without the region. Two years ago we lost the head of our Court Reporters' Section to Barbados.

You would recall last year we initiated a pilot project in audio digital recording in one of the Magistrates' Court in St. George West and another in the High Court Civil Division.

Our plans to address these problems are as follows:-

- (i) Audio Digital Recording Systems (ADRS) are currently being installed in three (3) Hearing Rooms at the Family Court.
- (ii) An additional twenty-four (24) courtrooms will be equipped with audio digital by the end of September

Two systems already exist in the St. George West Magistrates' Court and in one Civil courtroom of the Supreme Court, Port of Spain, under the initial pilot programme. Additional Audio Digital systems were also installed in three (3) hearing rooms of the Family Court.

- (iii) Funds are currently being set aside for an additional nineteen courtrooms in the upcoming five months. These include the remaining courtrooms at the Supreme Court, Port of Spain, the San Fernando Magistrates' Courtrooms and the San Fernando Supreme Court Courtrooms.
- (iv) Two portable ADRS are also being purchased. This will facilitate the audio digital recording of matters in areas where the permanent solution has yet to be installed.
- (v) The remaining courtrooms in the Judiciary are scheduled for upgrade to the ADRS by the end of the budget year 2004-2005.

(vi) In addition to the Portable Solutions which are to be used for out-courts, in the next financial year we expect to complete the next phase of the project with the implementation of the audio digital system in the approximately forty-eight (48) remaining courtrooms. The cost of this phase of the project is approximately \$12 million.

(vii) Training for personnel to support the ADRS is currently being formulated in partnership with COSTAATT. Implementation of the training program will result in the first groups of trained personnel being available on the following timetable:

Transcriptionists	December 2004
Scopists (For CAT Unit)	December 2005
Rapid Text Entry Transcriptionists	May 2006
CAT Reporters	December 2007

(viii) Transcriptionists are trained for three months and the Judiciary and COSTAATT intend to run the Transcriptionist program for two or three terms each year to create a large pool of trained Transcriptionists for use in the Judiciary's Court Reporting Services unit.

(ix) The Audio Digital Implementation schedule, in conjunction with the COSTAATT/Judiciary partnership for training of personnel, should result in

the elimination of the majority of handwritten notes over the next three years.

THE FAMILY COURT

The creation of a Family Court was mooted for decades – on the 12th of May 2004 – the Inauguration of this Court took place. I wish to repeat some of what I said on that occasion:

“The inauguration of this Court is a significant milestone in our jurisprudence, for it establishes a unique institution in our legal system. In terms of our jurisprudence, this may be said to be our finest hour, for this Court signals a radical departure from the way we have practised law and administered justice that was left to us as part of our colonial inheritance.

The Court itself is as timely as it is significant. With the state of the nation being what it is, riddled with criminal activity of every description which threatens productivity at all levels, all our institutions are being tested by a new age of individuals who do not see themselves as belonging to a society with rights and obligations. These persons have no love for family or country. They show no respect either for the lives of others or for their property. They have no respect for the law. We are witnessing a sharp descent in the pursuit of individualism to the destruction of our nation. It is important therefore that we restore public confidence in our legal institutions within the context of the sacredness of family life.

The Family Court was conceived out of the urgent need to begin our ascent to civility which carries with it a sense of collective responsibility, rather than a pointing of fingers and the attributing of blame. It represents a coming together rather than a dividing of ourselves in the interest of our own preservation. It marks the beginning of the end to the exploiting of our fragile human relationships for individual gain. What was demanded here, was a bold and imaginative approach to a situation about which we are all seriously concerned – the disintegration of family life. While the Law of itself cannot give sacredness to life, it must be in practical human contact with, and of service to the national community especially at this time.

Recalling my address to the legal fraternity and to the nation in September 2002, I declared that the Family Court is the most important court in our Judiciary. The proceedings in this Court represent a microcosm of our society. Here we deal with the family as a collective unit with all its concomitant problems. The MPPA Chap 45:51 and the Matrimonial Causes Rules which underpinned that Act, had fallen short of the intended objectives which were to bring about conciliation between the parties and settlements within the family unit. Instead of promoting these, some matrimonial matters turned out to acrimonious in the extreme and the court was turned virtually into a battleground. Instead of expedition, there was procrastination which meant further expense to litigants, many of whom were wives, who had little or no means to access the courts. Justice was rarely, if ever served; the real disputes between

the parties became lost in legal entanglement and the adversarial approach used by lawyers in the Civil Courts did nothing to improve the situation.

The idea of a Family Court was around for some time but it was not until the former Attorney General, Mrs. Glenda Morean-Phillip showed interest and commitment that it really took off. The former AG decided to establish a Committee to determine how the matter should be approached and the Report of that Committee brings us to where we proudly stand today. Today I wish to pay public tribute to her for all that she has done.

The Family Proceedings Rules have been revised and amendments made with significant contributions coming from the Law Association's representatives on the Family Court Committee and on the Rules Committee and I publicly acknowledge and thank them for same.

If I may repeat what was said to you at the Opening of the current Law Term, when this Court was only a vision — “The Family Court will now apply the overriding objective of dealing with family matters justly and in a way which gives first and paramount consideration to the welfare of children (if any)”. This unique legal institution is designed to deal with the individual as a member of a living dynamic unit, which is what the family is. The approach to be adopted would be conciliatory rather than adversarial. The new FPR and their implementation in a more holistic environment should ensure that matters are resolved and hopefully this will help to ease the societal fallout generated by litigation.

The Judges and Magistrates, who are to preside in this Court, have undergone special training conducted by a distinguished and highly experienced Family Court Judge who is also an assistant professor at the Faculty of Law of the University of Calgary. The support staff have all completed their course of training and are fully prepared for the opening of this Court to the Public.

This pilot project will be carefully monitored and improved upon over the coming two years as we seek to bring into existence a full scale permanent Family Court. To this end we have appointed a Monitoring Committee to keep track of problems that are likely to arise so that these can be addressed.

I have no doubt that the Family Court even in this period of gestation will accomplish its purpose. Upon birth it will be an enduring monument to the commitment of this Judiciary to its people. The age of administering law without sensitivity and without regard to the impact it has on our families is coming to an end. Our noble objective is to restore the family to pre-eminence in our judicial and legal system. With the success of this project which heralds our coming of age, we will have undergone a paradigm shift in our legal and judicial thinking. With this experiment confidently behind us, we will be encouraged to embark upon the necessary reforms to our civil and criminal laws and rules of procedure.

The Judiciary and the Executive arms of the State have shown that they can come together in this joint venture in the interest of our people, mindful of the fact that our nation's greatest resource is its

people and that the responsibility of law in society is to give the individual a sense of the value of human life and his dignified place within the framework of our nation's development.

Ladies and Gentlemen, I wish to thank the Hon. AG and his predecessor for the vision and the energy that went into the creation of this long-awaited provider of an essential service to the people of this nation who deserve a forum in which their delicate, domestic matters are dealt with in a humane and professional manner.

I wish to thank sincerely the DCA for their indefatigable efforts at implementing the vision, the contractors and workmen for the Herculean achievement in refurbishing these old courts to give effect to the character and mission of the new Family Court, where a new and different style of administering justice is to be displayed for all to see and emulate. Many thanks to the members of the Cabinet-appointed Family Court Committee for their dedication to the cause.”

POST SCRIPT:

The reports reaching us so far clearly indicate that this Court has been an overwhelming success.

PERFORMANCE OF JUDGES AND MAGISTRATES

The increase in the volume and complexity in civil litigation, the staggering increase in crime, the proliferation of applications for judicial review, reminiscent of the early days when the Constitution was tested at the proverbial drop of a hat, coupled

with the fact that we are a litigious people, have cumulatively brought an extremely heavy burden upon our judges, which was completely unknown to judges of just a generation ago. Take for example, since the beginning of the last term to September this year, one hundred and thirty-three (133) applications for judicial review have been filed and listed for hearing. I am told that during the court vacation about twelve (12) have been filed and are now awaiting dates of hearing. Just look at the daily newspapers and you will all see what I mean.

Since these matters are to be expeditiously dealt with, and most of them are very time consuming, other matters are left to languish in the system. Something drastic has to be done. The suggestion that a Public Law Court should be established is a simplistic solution, in my view, and all that would entail would be a removal of all public law matters to one court. This will not solve the problem. I propose in the new term to consult with the Law Association and other relevant persons and bodies, to ensure a realistic solution is found.

This daily grind to which the judges are subjected is not helped by the fact, that we still to a large extent have a fossilized note-taking system, and rules of procedure that could be described as legal archaeology – more appropriately suitable for the archives, than a court in the Twenty First Century.

The fact that the judges can, inspite of all these problems, struggle to produce at such an optimum level in order to maintain the integrity of the system of justice intact, is nothing short of a legal

miracle. Groundless and ill informed attacks made from time to time on the judiciary over the airways and other sources are to be ignored. The clear aim is to sensationalise and scandalise.

Today I take this opportunity to thank the judges for their unwavering commitment in upholding the rule of law, and their dedication to the administration of justice.

The magistrates too must be complimented for all the efforts they have been making to improve the quality of justice in their courts. Their morale has definitely been boosted in the last two years, and there is a general feeling that changes are being made.

They sit punctually in their courts, and the only reason why this is not always possible is, I am told, that some of the clerical staff are sometimes late.

There is overall, a marked improvement in their delivery of reasons for decisions. You may recall that this was not always the situation. Hopefully, delayed reasons are now something of the past. In point of fact the Court of Appeal is now dealing with Magisterial Appeals for the year 2004.

I urge the legal profession, and all those who are concerned with the administration of justice to do all in their power, to improve the administration of justice in the magistrates' court. These courts are not courts of last refuge, rather, they are at the heart of our justice system and any abuse from whatever source can completely undermine our system of justice.

THE REMAND COURT COMMITTEE

After the submission of its initial Report, this Committee, during the course of the last law term, went into its implementation phase, charged with the responsibility of ensuring the translation of its various recommendations, with assistance from the appropriate quarters, into reality. I am resolute in my determination to ensure that the recommendations of this Committee, which undertook a comprehensive review of the deficiencies in the criminal justice system and which made several recommendations in relation thereto, not be allowed to accumulate dust on an isolated shelf as has been the case with so many previous reports.

Many of the recommendations of the Committee were medium and long term in nature and will require the dedication of resources over time from the Executive. One of the most important short-term recommendations of the Committee was the introduction of case and caseload management in the Magistrates' Courts. With that objective in mind, the Committee has recently proposed to me the institution of a pilot project for the Port of Spain Magistrates' Court. The proposal involves the creation of a daily central case management list of all matters instituted at this level after the implementation date for the pilot project. On the date that these matters are first called in the respective Magistrates' Courts in Port of Spain, once the parties are not ready to proceed, the matters will be transferred on to the separate case management list. This central list will be attended to by a Magistrate(s) in a separate Court dedicated full time to this exercise.

The office of the Director of Public Prosecutions (DPP) is expected to extend the fulltime services of at least two prosecuting attorneys to this separate list, in order to assist police officers in their often unacceptably slow preparation of case files and also in order to render on the spot assistance when legal arguments as to Disclosure by way of example, arise. Case Management hearings are expected to take place before this Magistrate to ensure the expeditious progress of the matter. The Magistrate will be required to pose relevant questions to representatives of both sides on the many matters which touch upon trial readiness for e.g. the availability of witnesses, the need for preliminary legal arguments, issues of disclosure etc. It is proposed that the answers to these questions will be recorded on a printed Cause List Questionnaire form. Only when the matter is ready for trial or for the hearing of the preliminary enquiry will it be returned to one of the regular lists.

The initial life of the pilot project will be for one year, after which a performance audit will be conducted. Any deficiencies that appear in the operation of the central case management list will be hopefully resolved and eventually it is expected that within the context of Case Management Rules, this form of Case Management will be introduced into all the Magistrates' Courts. The objective of this exercise is to create a judicially driven, proactive process, that works expeditiously toward preparing a matter in an effective manner for trial and/or preliminary enquiry, while ensuring at the same time that the lists of Magistrates are not

overburdened with matters, most of which on any given day are not ready to go on, thus in turn ensuring more available and productive trial time for Magistrates. The implementation date for the pilot project will be announced in the next month. With respect to the broader work of the Committee, it is hoped that this Committee will shortly become a standing one, consisting of the senior representatives of all the major departments in the criminal justice system, and with the responsibility for undertaking a continuous review of the system and its level of efficiency.

A CRIMINAL DIVISION OF THE COURT OF APPEAL

Criminal jurisprudence has grown vastly in complexity over the past fifteen years. Arguments on abuse of process, disclosure and myriad evidential issues often consume a significant amount of trial time.

The substantive criminal law has also been developing. The need for a Good Character direction, something that would have hardly engaged the attention of trial judges ten years ago, now arises in many trials. The law of Provocation, in particular the concept of Cumulative Provocation, has evolved as a consequence of landmark decisions in the United Kingdom. There are conflicting authorities from the House of Lords and the Privy Council on the characteristics to be attributed to the hypothetical reasonable man, in applying the objective test in Provocation. With the principles of Diminished Responsibility, the 'Mc Naughten Rules' seem now almost light years away. Indeed it could be said that the dividing

line between Provocation and Diminished Responsibility has grown increasingly thinner.

Additionally, with a growing number of complex fraud trials engaging the attention of our courts, the intricacies of documentary evidence and the admissibility of expert evidence from forensic auditors and accountants will come up for close scrutiny.

The creation of a Criminal Division of the Court of Appeal to deal exclusively with the growing volume of specialized criminal casework at the appellate level has been mooted for some time now. In 1996, a Committee appointed by the then Attorney General and chaired by Justice Lennox Deyalsingh, recommended that consideration be given to the creation of such a Division. More recently in 2003, as a result of the Government's Vision 20/20 initiative, the Administration of Justice Criminal Law Sub Committee, consisting of all the senior representatives of the various stakeholders in the criminal justice system, recommended the creation of a Criminal Division of the Court of Appeal.

The time has now come, in my view, to give serious consideration to the creation of a separate Division of the Court of Appeal to deal exclusively with Criminal Appeals. The rationale behind this is that such a Division would be staffed primarily with judges who are specialists in criminal law. The development of highly specialized criminal jurisprudence at this level would therefore be encouraged by those of proven competence and experience in the field, and there is no more opportune time for this to be done than in the near future, with the establishment of the Caribbean Court of Justice.

ACCESS TO JUSTICE

It has been recognized that in any society, there should be adequate and effective means for citizens to resolve disputes and for them to secure available remedies. International studies have disturbingly revealed that the means to resolving disputes and accessing justice is often not available as in most societies poor citizens face multiple obstacles to legal and judicial services.

From an idealistic perspective, the judicial system is conceived of as blind to power, wealth and status. The Courts are supposed to offer a forum where the poor and powerless can stand with all others as equals before the law. Today however, an increasing number of persons regard the Courts as overtly and subtly biased against the poor. The less fortunate in society, with increasing frequency, choose to avoid the legal system altogether rather than face intimidation, delay, escalating legal and emotional costs, an increasingly long and arduous litigation process and resultant frustration.

In a study done in 2000 on **Access to Justice and Equity** in seven Latin American Countries, conducted under the aegis of the Inter-American Development Bank and the Inter-American Institute of Human Rights, it was reported that:

“...The results of the national studies indicate that belonging to the economically least privileged groups or to sectors excluded from social benefits becomes a barrier to effective access to the systems of justice.”

In addition, there can be no doubt that other barriers to access to justice which may affect the entire population are magnified in the case of the least privileged sectors.

We must take into account that, added to the objective barriers, there are the subjective ones or the barrier of perception that are cited in all the national studies. They are even stronger in the case of the least privileged sectors that feel excluded from the financial benefits of society and that tend to have low levels of self-confidence and a high degree of unawareness of their rights and of the possibilities of knowing that a dispute may be resolved through legal channels.”

To a considerable degree, the observation quoted from the study is also true of our jurisdiction.

There is an overwhelming need to improve access to Justice. Such access is important as it safeguards the rights of individuals. It is essential to the maintenance of a civilized society. It regulates citizen’s dealings with each other and most of all makes justice accessible to the ordinary citizen. As Lord Diplock said in **Bremer v. South India Shipping Corp. Ltd [1981] A.C. 909 at pg. 977, para.(d):**

“Every civilized system of government requires that the state should make available to all its citizens a

means for the just and peaceful settlement of disputes between them as to their respective rights.”

It is unfortunate but nonetheless true that the trials of the famous and wealthy are often those which, to the populace at large, define the legal landscape thus creating the phenomenon of celebrity justice. If there is an ensuing verdict or result that is favourable to the celebrity, it is frequently perceived that the judicial system itself is biased in favour of the wealthy and the powerful. Because most people do not attend court regularly, perceptions of the quality of justice come largely from media reports of the Court's work. The rich and famous, accused and convicted or acquitted are always newsworthy.

Poor persons are not similarly treated in the press, for the apparent reason that they are not considered particularly newsworthy. It is therefore easy to form the perception that somehow there is one law for the wealthy or affluent and another for the poor. What the public must realise, however, is that poor persons are acquitted daily but these matters are not reported.

Many jurisdictions have considered alternative avenues to providing access to justice. Some alternatives include Alternative Dispute Resolution, Mediation, Broad Civil Justice Reform, small Claims Tribunals, a contingency legal fund and conditional fees. In Trinidad and Tobago, the Legal Aid Authority is the major means by which citizens of modest means can have access to justice. The reality is that there is however some procedural delay

before a person can qualify to obtain legal aid assistance and representation.

What can be done to enhance the access to justice of the most vulnerable groups in society? In my address made at the opening of the 2002-2003 Law Term, I proposed the implementation of a Pro Bono system. The rationale for encouraging pro bono work was to provide an avenue by which lawyers could provide legal services to the poor, marginalized and indigent groups or communities without a fee or expectation of compensation in order to enhance access to justice.

A roll was placed in magisterial districts to invite practitioners to register to participate in pro bono work. In spite of the benefits outlined, the response was pathetically dismal and unsatisfactory. In my 2003-2004 Address, additional incentives were offered to further encourage pro bono participation.

Today another plea to encourage and enforce the value of participation will be made. Attorneys must understand that their involvement will enable the poor and vulnerable groups to exercise their rights guaranteed under the law, more so as the prohibitive cost of litigation often deprives the poor of protection. Attorneys can feel a real sense of satisfaction in knowing that they have been able to assist the poor and the needy to navigate in the complex legal maze, so as to allow them to vindicate their rights and to enforce the performance of various obligations.

My appeals for the attainment of a higher level of professional responsibility can however only go so far. It is suggested that the

Law Association can play an important practical role in this exercise. It may wish for e.g. to consider encouraging attorneys to render a certain number of hours of pro bono legal service as part of the procedure for obtaining their practicing certificates.

It is of great importance that participation in the pro bono initiative materializes. This will ensure readier and speedier access to justice; an access which today is seen by far too many to be illusory.

There is no simple recipe for the formulation of this pro bono concept since it is new to our jurisdiction and is a work in progress. Therefore, it is flexible and will continue to change as the needs of the community change. In the words of the Honourable Robert F. Utter, retired Judge of the Washington State Supreme Court:

The vibrancy of our Democracy depends upon or willingness to ensure that the fullest range of voices and interests is represented and heard. This is what the fight for equal justices is all about."

Additionally, in the criminal justice system, it is important that the defence have access to forensic and any non-government expert facilities, otherwise the playing field will often simply not be level. Such access needs to be factored into the Legal Aid System so that accused persons, when it is necessary, are not deprived of the right of access to an expert opinion.

LEGAL EDUCATION:

The Magistrates' three-day residential Continuing Education Seminar was held in July at the Hilton Tobago. The Judicial Education Institute (JEI) was able to create a programme for the Magistrates based on the feedback given at the 2003 Seminar at which Magistrates had requested practical and "hands on" topics. These included "The Proper Working of the Petty Civil Court." The objectives of this session were to:

- Identify the true role and function of the Petty Civil Court
- Examine the present reality and practice in light of the court's role and function
- Propose recommendations to move the court to fulfill its role and function.

The Magistrates were exposed to a simulation exercise and also had the opportunity to hold discussions on the various issues raised in the presentation and during their break out groups. There was also a lively and informative question and answer session chaired by Magistrate Siumongal Ramsaran.

Another topic was Caseflow Management. The JEI in conjunction with the National Center for State Courts sourced Mr. Christopher Crawford, a court management consultant and president of JUSTICE SERVED as faculty for the exercise. The purpose of that short course was to:

- Familiarize Magistrates with the fundamental issues of caseflow management and differentiated case management
- Provide Magistrates with the tools and techniques needed to effectively implement a caseflow and DCM system
- Provide Magistrates with the knowledge to develop a vision of how the justice system should operate
- Help Magistrates begin a design for an effective case management plan for their courts.

Mr. Justice Mohammed presented a session on Bail during the intensive seminar weekend. The objective of this session was to

try and achieve some consistency in the approach to the grant of bail in the Magistrates' court.

Another area of law which has become very topical in the Magistrates' court at present is the disclosure of documents. Mr. Justice Nelson JA and Mme. Justice Weekes presented an in-depth analysis of the topic. The lecturers had as their objectives that Magistrates at the end of the session should firstly have an appreciation of the current law of disclosure in respect of the Summary Courts and secondly should be able to apply the law in the fast paced environment of the Magistracy.

Weekes J also addressed the Magistrates on topics chosen by them namely Bonds as a form of Sentencing and Contempt of Court.

The objectives of the Bonds session were to give the Magistrates an understanding of the purpose and application of different types of bonds. The objectives of the presentation on Contempt were to assist the Magistrates with the identification of the behaviour that gives rise to an offence under Section 24 of the Act and to establish a protocol for proceedings under Part II.

These three topics were extremely well received by the Magistrates present at the Seminar as the areas covered were seen to be highly relevant to the work done by the Magistrates and the day-to-day issues arising in their courts.

JUDGES' AND MASTERS' CONTINUING EDUCATION SEMINAR

The Judges and Masters' three-day residential Continuing Educational Seminar was held in May 2004. The Judicial Educational Institute (JEI) in its quest for excellence was able to obtain the expertise of Dr. Roderick Munday, Official Fellow and College Director of Studies in Law at Peterhouse College, Cambridge, His Honour William Rose, former Director of Studies at the Judicial Studies Board in England and Senior Circuit Court Judge and Professor Nigel Eastman, Professor of Law and Head of forensic Psychiatry at the St. George's Hospital Medical School in England, recognised as the world's leading expert in forensic psychiatry.

The Institute recognised not only the ever-increasing volume of criminal matters virtually flooding the courts at this time but also the increasing complexity of some of the matters. Mindful of this

the entire seminar was devoted to Criminal Law. The objectives of the seminar were several including:

- (i) to acquaint the judges with the recent developments in the case law and in some of the more difficult aspects of criminal law; and
- (ii) to facilitate easier communication by the judges to the jury of some of the more complex concepts of criminal law.

It was unanimously agreed among judges and masters in attendance that the seminar was a resounding success. The intensive seminar included discussions on the following areas:

- (a) Provocation/Manslaughter/Diminished Responsibility
- (b) Good Character directions
- (c) Confessions – admissibility and weight
- (d) Corroboration
- (e) Lies - when is a Lucas direction necessary
- (f) Accomplices/Secondary parties
- (g) Sentencing

For the judges who have not sat in the Assizes, the salient features of a criminal trial were dealt with as well as a one-day mock trial aimed at highlighting the problems which occur on a daily basis in a criminal trial. With the success of this introductory course to those judges there may be new faces in the Assizes shortly.

Finally, Professor Eastman spoke briefly on “Translating Psychiatry into Civil and Criminal Law” and “The Relevance of psychiatric Material in Relation to Diminished Responsibility, Provocation and Sentencing”. In his exceptionally thought provoking presentation, Professor Eastman succeeded not only in making the judges aware of how much work has to be done in this country if persons suffering from mental disorders are to be catered for in litigation whether Criminal or Civil as compared to what obtains in the United Kingdom, but perhaps more importantly provided an insight into how much of a role forensic psychiatry plays in his country in the preparation and presentation of a defendant’s case and the importance attached thereto.

Our pursuit for excellence continues:

PRISON CONDITIONS:

“The civilization of a country could be measured through the condition of prisons. In this context, our prisons are still in the stone age.”

- Senior Advocate of Supreme Court, Chandu

The hallmark of a civilized society is the manner in which it treats those who are disadvantaged or who have forfeited certain of their

civil liberties because of conduct that society deems as unacceptable. Prison conditions in Trinidad and Tobago are in many ways unacceptable and reveal that in certain regards, there is yet a considerable distance to be traversed in rising to a minimum standard of decent treatment. Enough has already been said over the years about Death Row. Today I would like to focus on the conditions at the Remand Section of the Prisons, particularly the Prison at Frederick Street.

The conditions of the Remand Section of the Port of Spain Prison are reportedly appalling. An average cell measures approximately eight feet by twelve feet and although originally intended to be occupied by two prisoners, now accommodates on an average seven to nine men. For these persons, the cell is not a bedroom alone it is also a living room, dining room, kitchen and bathroom. The methods used to perform basic human functions at nights, and the means used for cleaning a cell on mornings are abhorrent and revolting. Further reports are that very little fresh air gets into cells. Infestation of the cell by vermin is said to be commonplace. Sanitary facilities are reported to be abysmal. In short, the picture painted is one of decidedly sub-human conditions. How are these persons to deal and adjust in a society upon obtaining their freedom? These circumstances were confirmed by several special journalistic investigations recently conducted. In particular, I wish to refer to an article in one of the dailies dated 6th June 2004 where it was reported:

“There are two prison officers (POs) for every 200 inmates and should there be a riot, the POs will be hard-pressed to stop it.

The prisons are overcrowded and understaffed, and there are only two officers to over 200 inmates.

Every day these two officers have to commandeer the emptying of pails, baths, breakfast and preparing for court of prisoners.

.....because of the improper working sewerage systems, the contents of the pails are emptied in bags daily and discarded at the Arima dump.

To date there has not been a riot but if it continues this way, with more violent inmates coming in, there is no way we can stop it.

Added to this are problems of dilapidated surroundings, physical contact with diseased prisoners, constant threats on their lives by prisoners and the new issue of lawyers.

Contrary to all reports, the prison system in TT does not provide for proper rehabilitation”.

In the case of pre-trial detainees, their detention is for the sole purpose of ensuring their attendance at trial. Though they enjoy the benefit of the presumption of innocence, the maintenance of institutional security and the preservation of internal order and discipline are essential goals which require the limitation or retraction of certain constitutional rights of pre-trial detainees. However, sufficient weight needs to be consistently accorded to the basic fact that the purpose of the detention of a remand prisoner only to bring him to trial. Punishment, deterrence and retribution are out of harmony with the presumption of innocence. From as early as Blackstone's Commentaries, it was recognized that a

prisoner awaiting trial must be treated with all the consideration that the need for confinement will allow:

".....This imprisonment, as has been said is only for safe custody and not for punishment, therefore in this dubious interval between the commitment and trial, a prisoner ought to be used with the utmost humanity, and neither be loaded with needless fetters, or subjected to other hardships than such as are absolutely requisite for the purpose of confinement only." (See 4 Commentaries 300).

In a decision of the Zimbabwe Supreme Court, it was recognized that the restraint of prisoners on remand must be measured against the State's sole objective in presenting the prisoner for trial and must be 'judged against a standard of basic humanity towards men innocent in the eyes of the law and not against abstract penological standards"

A cursory examination of the Prisons Rules reveals that remand prisoners are accorded privileges not extended to convicted prisoners. Exposure to unacceptable conditions of confinement may in some prisoners, generate an attitude of callousness, as a coping mechanism, that is brought about only or substantially by the conditions of confinement.

Whenever a society is confronted with an uphill battle against dangerous, violent and well-organized criminal elements, there is the inherent risk that those charged with criminal offences are perceived in such an unfavourable light that this is seen as some

sort of justification for their sub-standard treatment. Society however cannot be permitted to take out its otherwise legitimate frustrations on those who enjoy the presumption of innocence. Unless something is done soon to ameliorate the harsh and unacceptable conditions under which remand prisoners are reportedly kept, constitutional issues may well arise in due course for determination.

Furthermore, with respect to Convicted Prisoners, greater emphasis needs to be placed on rehabilitative measures. Unless underlying problems are addressed and prisoners equipped with the skills necessary to guarantee them honest employment upon their return to society, the rate of recidivism will be unacceptably high and the prisons will be a breeding ground for the formation of potentially dangerous networks.

In essence therefore, our prison system and in particular the Remand Section require a radical overhaul consistent with basic norms of decency and civility which recognize that while there is the justification for the suspension of some rights, the dignity of the individual must be kept intact by acceptable standards of accommodation and treatment. Unless this is done, the price to be paid will be a steep one and a cycle of criminality may be unwittingly perpetuated.

Honourable Attorney, members of the legal profession, distinguished guests - our Constitution is the supreme law of the land. In its preamble it recognises “the supremacy of God and the dignity of man”. It speaks of “the dignity of the human person and

the equal and inalienable rights which all members of the human family are endowed by their Creator”.

Not for one moment am I saying that criminals should not be punished for their crimes – but in doing so they must not be dehumanised nor should they be stripped of their human dignity. Double punishment is not part of our criminal jurisprudence – and is unacceptable under any circumstances.

In recent times, there have been many responsible organisations, the press and many of our distinguished citizens appealing to the executive, to treat prison reform and improve prison conditions, as a matter of urgency. Today, the judiciary joins with the press and the various organisations in calling upon the executive to take immediate steps to address the disgusting and sickening conditions, which now exist in our prisons.

THE NEW RULES

Rules of Court are a source of civil procedural law. In its complementary character, civil procedural law is ordinarily contrasted with substantive law. Substantive law creates rights and obligations and determines the ends of justice embodied in the law. But this does not mean that civil procedural law should be regarded as secondary. The two branches are complementary and interdependent, and the interplay between them often conceals what is substantive and what is procedural. It is by procedure that the law is put into motion, and it is procedural law which puts life into the substantive law, gives it its remedy and effectiveness and brings it into being.

What the practitioners seek for their clients when they resort to the courts is to use the machinery of justice to obtain a just result, and what the clients seek to avoid is unnecessary and prejudicial expense, delay and technicality in the process of attaining that just result.

The conduct of civil litigation, therefore, demands a high degree of professional responsibility. It calls for the exercise of the crucial qualities, which every professional man must manifest in his work, consummate competence and craftsmanship, great skill, unabated diligence and scrupulous integrity and probity. Moreover, it requires a close and thorough knowledge of the machinery of the courts, both the High Court and the Court of Appeal. It is rules of court, practices and procedures of the court, which have to be mastered, since they constitute the core of the civil legal process.

The Rules of Court presently applicable to the Supreme Court of Trinidad and Tobago are the 1975 Rules which came into operation on January 2, 1976 replacing the 1946 Rules. The 1946 Rules, after 29 years and even long before, had lost touch with society and reality. They were of such antiquity that they no longer served the needs of society. Consequently, an Ad Hoc Committee was appointed to conduct a general review of the 1946 Rules the report of which resulted in the 1975 Rules.

We are now in the year 2004 almost 29 years later since their implementation and civil litigation is still guided by the 1975 Rules. The question to be asked is: whether these Rules are adequately serving the needs of society?

The general consensus among all stakeholders based on empirical evidence is that for many years now the present civil justice system has been woefully inadequate and is in need of revision and reform.

Between 1987 and 1998, several conferences were held, and as many committees appointed to enquire into delays which plagued the justice system. In 1987 the Law Association hosted a Symposium on “Delays in Administration of Justice”. Then there was the Gurley Report which recommended among other changes that there should be a general review of the 1975 Rules.

In 1996 the final Rowat Report on Judicial Sector Reform recommended “a fresh systematic review of the Rules of the Supreme Court by the Rules Committee supplemented by outside trial attorneys from two other common law jurisdictions to provide fresh ideas or best practice”.

As a result of this Report the Judiciary hosted a three-day Bench/Bar Judicial Sector Reform Conference at the Trinidad Hilton – A committee was appointed and in June 1997 produced a report, the effect of these recommendations stated, inter alia:

- (a) A complete review and revision of the 1975 Rules of the Supreme Court to provide for speedier and more certain resolution of civil disputes while ensuring accessibility, equality, integrity and accountability and earning public trust and confidence.

- (b) Implementation of a system of Caseflow Management wherein the Court will take control of the caseflow.
- (c) Implementation of ADR and the integration of ADR into the system of Caseflow Management.
- (d) Training for all Judicial Officers in Caseflow Management and Mediation.

Out of this report Mr. Dick Greenslade was hired and he presented a Report on the Review of Civil Procedure, which rationalized the bases for the introduction of a new code of civil procedure.

It is clear to me, that the common thread which runs through all the Reports alluded to above is that the present civil justice system has fallen far short, for a considerable time now, in serving the needs of society in accessing justice and that the overwhelming recommendation is for a complete revision of the existing Rules of Court.

All reports have also demonstrated that the problems contributing to the failure of the present system are as follows:

- (1) It is too slow in bringing matters to an end and this in itself is a factor preventing access to justice.
- (2) It is too expensive in that costs often exceed the value of the claim.

- (3) It is too unequal in that there is a lack of equality between the wealthy litigant and the litigant with little or no financial means.
- (4) It is too uncertain in that it is difficult to anticipate how long the matter will last and how much it will cost the parties.
- (5) It is too adversarial and there are no in-built mechanisms to foster settlement at an early stage of the proceedings.
- (6) It is incomprehensible and complex to the average litigant.
- (7) It allows the pace of litigation to be controlled by the parties and their Attorneys and so the Rules of Court are very often ignored.

Society is a major stakeholder in any justice system since the costs of maintaining that system falls largely on the State. Society is thus entitled to demand that those who are involved in the civil justice system undertake such task in a manner that would serve the needs of society. There has been public outcry for change in the civil justice system for quite some time now and it is for us, charged with the responsibility of managing the system, to respond appropriately to that call.

“I have found the legal process utterly daunting, alienating and unjustifiably expensive” - is a common complaint of litigants.

It is my considered opinion that the New Rules will sufficiently address the many problems plaguing the civil justice system under the existing 1975 Rules. No amount of amendments to the existing Rules would allow for the implementation of ADR techniques and a system based on Caseflow Management. The New Rules, if implemented, would usher in a new era of civil litigation that would be fundamentally different from what obtains now. I wish to mention only a few.

THE OVERRIDING OBJECTIVE

Part I of the new procedural code provides for an overriding objective of the rules which imposes an obligation on the Courts and parties to “deal with cases justly”. The rule also defines “dealing with cases justly” as including the principles of equality, economy, proportionality and expedition all of which are fundamental to an effective contemporary system of justice.

Other benefits of the rules are likely to be:

- (a) Litigation will be avoided wherever possible;
- (b) The timeline of litigation will be shorter and more certain;
- (c) The cost of litigation ought to be more affordable, more predictable and more proportionate to the value and complexity of the claim;
- (d) The under-resourced litigant will be able to conduct litigation on a more equal footing;
- (e) Litigation will be less adversarial and more collaborative; and

(f) Litigation will be less complex.

Trinidad and Tobago has always been the leaders in Caribbean jurisprudence but it is ironic to note, however, that while we were the frontrunner to these New rules in the Caribbean region, having passed them as law since 1998, in terms of implementation we have been left behind by many of our Caribbean neighbours all of whom sought our assistance in the drafting and implementation of their New Rules. Countries such as Jamaica, the Eastern Caribbean States, the Bahamas, Belize, Barbados and Guyana, all have New Rules, some of whom have gone ahead while others are poised for implementation.

It is imperative, therefore, that we seek to implement the New Civil Proceedings Rules as soon as possible if we are to avoid the embarrassment of being left far behind in this global village and if we are to seriously address the pitfalls in the existing system. It is important to note that the Advisory Committee to the Rules Committee which comprised Judges of the Supreme Court, senior members of the Legal Profession, prominent members of the public and a Registrar, charged with the responsibility of recommending to the Rules Committee whether the New Rules should be implemented, reported in June of 2000 after a detailed study, that the New Rules should be implemented with modifications as recommended.

I am fully aware that the New Rules might be in need of amendment to bring them in line with the system that we desire but we must not allow these minor differences to keep us back in the

shadows of development. No system in the past, as far as I could recall, was ever perfect. On the contrary, they have always fallen short in many respects. I doubt whether any system in the future will ever satisfy the requirements of everyone but this is no excuse for us not to keep trying. To devise a system free from fault is to invent a concept of “mechanical jurisprudence” which for present purposes escapes the powers of humankind.

I propose to appoint a Joint Bench and Bar Committee to monitor the operation of the New Rules when they are introduced on the 4th April 2005 to recommend which aspects of the Rules are desirable and which are not.

JUDICIARY SPORTS AND FAMILY DAY 2004

On Saturday 17th April 2004, the Judiciary hosted its first ever Sports and Family Day at the Ato Boldon Stadium in Couva. It was a delightful success that saw staff, past and present, drawn from all ends of the country, coming together. We all enjoyed the technical expertise and creativity of those participating in the March Past as well as the athletic prowess of our colleagues and their family members who participated in many of the sporting events. Spirits were undaunted by the inclement weather and in a wonderful display of friendship and togetherness, persons from the Magistracy and the Supreme Court; from Tobago, Couva, Mayaro, Arima and elsewhere enjoyed one another’s company for the day. It was an unmitigated success that is to be made an annual event.

Events such as these go a long way towards fostering the right environment in our Judiciary. It is such an environment that encourages the growth of a sense of integrity and responsibility toward each other and by extension, to the administration of justice and to our fellow citizens. When we leave our courtrooms and offices and join hands on the field of play, when we meet each as brothers and sisters rather than as judges and clerks or as secretaries and administrators, we quickly realise and appreciate the nature of our inter dependence and the duty and respect that we owe to each other. Events such as the Sports and Family Day will continue to be heartily supported here in the Judiciary.

RETIREMENT – APPOINTMENTS – PROMOTIONS

In December of this year Justice of Appeal Jones will retire from the Bench. Prior to his joining the Judiciary, he held the position of D.P.P. and Solicitor General. In these positions he performed admirably.

On joining the Judiciary he not only brought his skills and experience as an advocate, but also his humility and a cautious and reflective approach to the adjudication process, which proved to be invaluable in the Court of Appeal.

We shall miss him dearly – but I am sure that with his experience and undoubted talent there is much more he can contribute to Trinidad and Tobago.

Justices Carol Gobin and Anthony Carmona have been appointed as permanent judges to the High Court. They both bring to the

Bench, a tremendous amount of experience and skill, which will serve to strengthen the Judiciary.

Justices Joan Charles and Judith Jones have been appointed temporary judges – they too bring with them vast experience, in both Criminal and Family Law. I am particularly grateful that all four judges have given up lucrative practices to join the Judiciary and in so doing have made the sacrifices which are so necessary to ensure that the highest traditions of the Judiciary are maintained.

I wish to congratulate them all.

Two judges, Justices Archie and Mendonça have been elevated to the Court of Appeal. No doubt they will add to the strength of this Court and will serve with distinction.

I wish to congratulate them also.

Honourable Attorney General, distinguished guests, members of the legal profession, Trinidad and Tobago is blessed with some natural resources. The volatile events in the Middle East, have incidentally delivered a strong boost to our national economy. In times like these, the crime rate is expected to remain stable if not to fall. Instead, we have had a staggering increase to unprecedented levels. Viewed from any standpoint it does not seem to make much sense.

Many of the pundits have advanced reasons of their own. One school of thought is that the accrued benefits are not trickling down to those at the lowest rungs of the social ladder, and those who are in need; that the poor and the underclass have been

constantly neglected, thus creating a great imbalance in the society, sometimes accentuated by an open flaunting of wealth.

Whatever the reasons for this rise in crime – one thing has been made clear by the criminal element – the adage ‘**Crime does not pay**’ has now been falsified. Time is not on our side. These pressing social problems cannot be solved by the courts alone, acting, as it were, in a vacuum.

There must be an active collaboration among multiple elements in communities and governments: political, educational and religious leaders, civic organizations, law enforcement agencies and others. This requires that leaders stop blaming one another, and start working together more purposefully to solve a critical complex of issues affecting young people and society at large.

Before I formally declare the new term open, I wish to pay tribute to the staff of both the Higher and Lower judiciary. They have shown an extraordinarily high degree of commitment and dedication in their daily duties. This has been particularly illustrated in those Magistrates’ Courts, like San Fernando, Chaguanas, Siparia, where the staff have had to work under trying and unbearable conditions. I wish to thank them for their patience and loyalty and to let them know that relief will soon be at hand.

Not to be excluded, are the technical staff, security, the cleaners and all those who perform their daily duties with a degree of cheerfulness, that enable us all to work in an atmosphere of peace, harmony and goodwill.

Honourable Attorney General, distinguished guests, members of the legal profession, when I assumed office as the Chief Justice, the relationship between the Judiciary and the Executive was not all that it should be. The situation has now improved. The Executive is more receptive to the problems of the Judiciary. This changed position has been brought about, to a large extent, by the Honourable Attorney General and his immediate predecessor. The former has brought to this office, a style which has paved the way for a better professional and personal relationship. Today I wish to thank him publicly for doing everything possible to improve the Judiciary.

Let's face it, there will always be some tension between the Executive and the Judiciary. This I submit is crucial to any democratic society, which recognises and respects the rule of law. The important thing, however, is to ensure that this tension must not bring about hostility, acrimony or bitterness – we have to understand that we are all on the same side in this country – that is, the interest and welfare of the people of Trinidad and Tobago.

Differences, we are bound to have, but these must be resolved with the paramount interest being for the good of our people.

I now declare the new Law Term open. Court is adjourned to 9 a.m. tomorrow.