

ADDRESS

OF THE

CHIEF JUSTICE

THE HONOURABLE MR. JUSTICE S. SHARMA

AT THE

OPENING OF THE

2005 – 2006 LAW TERM

IN THE

SUPREME COURT

AT THE

HALL OF JUSTICE

KNOX STREET, PORT OF SPAIN

ON

FRIDAY 16TH SEPTEMBER 2005

ADDRESS BY THE HONOURABLE CHIEF JUSTICE S. SHARMA

OPENING OF LAW TERM 2005 – 2006

ON THE 16TH SEPTEMBER 2005.

Honourable Attorney General, President of the Law Association, distinguished guests, members of the legal profession.

THE NEW RULES

Today, the Civil Proceedings Rules, 1998 (CPR) as amended, come into force. It is an historic event. These rules usher in the beginning of a new era in our Civil Jurisprudence. They represent a complete break from the past, a new beginning as it were.

In a report on “Civil Litigation Reform, 1999” David Gladwell, Head of the Civil Justice Division of the Lord Chancellor’s Department in England stated that the new changes brought about by the English CPR 1998 represent *“the greatest change the civil courts have seen in over a century.”* This is unarguably true for us as well, since our CPR is modelled after the English CPR.

Ladies and gentlemen, when these New Rules were proposed in 1998, their introduction was vehemently opposed by the Law Association for several reasons but primarily on the ground that they intended to bring about a seismic change in the way we conducted business in the litigation process. Resistance to change amongst the Legal Profession is no new phenomenon since lawyers are by nature conservative and inward looking. The Judiciary’s anxiety to implement a more efficient system as against the lawyers’ insecurity of operating in a changed environment caused strained relations between Bench and Bar for quite some years. Our joint failure to initiate full, fair and honest dialogue towards a common goal has caused us to lag behind in the shadows of development.

We have come to the realization that those desiring to initiate change must take special care to ensure that the concerns of all stakeholders who can influence this process are adequately addressed. *Thus Bench and Bar have hammered out their differences on the hard anvil of experience with a genuine desire to achieve a common goal for the benefit of society as a whole.* The road to implementation has not been easy but in the end good sense prevailed. The Law Association must be commended for the recent support it has given to the Judiciary in bringing about this significant achievement in our

legal history. What I have just stated was part of the epic struggle, which we all experienced. The story is however incomplete, and must be taken up from where we left off last year.

Last year at the opening of the new law term I announced that the New CPR would come into effect on **April 4, 2005**. Consequent upon that announcement I appointed a ***Rules Implementation Committee*** comprising members of the Judiciary and the Law Association all of whom had knowledge of the New Rules. This Committee was charged with the responsibility of ensuring that all measures were effectively put in place to allow for a smooth transition from the system under the 1975 Rules to the new system under the CPR.

The Implementation Committee, working in tandem with the Judicial Education Institute, embarked upon a major training and education exercise for the Judges, Masters, Registrars, Legal Profession and non-judicial support staff. A comprehensive overview was undertaken to ascertain the readiness of the Registries and our Information Technology Unit to accommodate the changes contemplated by the new system. It was during this exercise that we thought of the possibility of also introducing together with the New Rules a ***docket management system*** the idea of which had only been superficially discussed in earlier years.

Feedback from the Implementation Committee soon made me realize that the enormity of the task of successfully introducing the new rules in April last was grossly underestimated. ***You see, ladies and gentlemen, the Judiciary was being guided by a strategic plan for the introduction of the New Rules formulated since 1998 as part of a comprehensive plan for Judicial Sector Reform.*** Seeking to implement this plan in the year 2005 was woefully inadequate. The staffing arrangements in relation to the registries, the IT unit and the Judges' teams did not match the additional workload required by the New Rules. ***The docket management system on an individual calendar basis was never catered for in our original plan since the system upon which the New Rules were predicated was a bifurcated system based on a master calendar in which several judicial officers would deal with a matter at different stages when filed.***

Additionally, the Law Association, which has been quite co-operative and extremely constructive in its contributions to the process of implementation, had clearly intimated that the majority of the members of the profession had not seized the opportunities to participate in training exercises geared toward sensitisation of the new system. Reservations were also expressed by them, as to the readiness of the Supreme Court Registries to effectively manage the increased workload, which the new regime brings with it. It is in this context I took the decision to postpone the implementation date from April 4, to September 16.

Thus, we have had to strategically redesign our original plans to incorporate the changes necessary for the introduction of the New Rules and the new docket management

system. We have had to devise a new support staff structure and establish priorities for the limited resources available redeploying those resources where necessary. Structural changes have been effected to many of our conventional courtrooms to establish hearing rooms more appropriate for conducting case management conferences.

The civil justice system under the 1975 Rules, which has been in existence for the past 30 years, has for some time now been failing most conspicuously to meet the needs of the litigants. *Undoubtedly, that system is plagued with the “triple evils” of delay, costs and complexity all of which are interrelated and stem from the uncontrolled nature of the litigation process.* Delay in litigation causes continuing personal stress, anxiety and financial hardship to ordinary people and their families. It also has the effect of frustrating the efficient conduct of industry and commerce that ultimately affects society as a whole.

The new Civil Proceedings Rules 1998, as amended will apply to all new civil proceedings filed in the High Court and all appeals filed in the Court of Appeal from today. The New Rules may also apply to some old proceedings, which fall within the criteria set out in Part 80 (the “Transitional Provisions”). Sadly, however, the 1975 Rules will continue to apply to all other old proceedings, which do not qualify to be brought under the New Rules. In this regard the Judiciary will be operating a parallel system until the backlog under the 1975 Rules has been cleared.

The *new landscape of civil litigation* will be fundamentally different from what it was under the 1975 Rules. It is underpinned by the *Overriding Objective in Part 1* of the Rules which imposes an obligation on the courts to *“deal with all cases justly”* and embodies the principles of *equality, economy, proportionality and expedition* which are fundamental to an effective contemporary system of justice.

The new civil procedural code is predicated upon a system, which gives control of the pace of litigation to the courts rather than leaving the conduct of the case to the parties and their Attorneys. It will no longer be the case that the pre-trial process is merely preparatory with the focus on the trial. On the contrary, intense focus will be on the pre-trial stages since the adjudicative process begins as soon as the court assumes control over the case, which is at the case management conference.

The case management conference, therefore, is at the hub of the new CPR and is central to the success of the noble objectives expounded in Part 25. Case management rulings with regard to the early identification of issues, full and frank disclosure, the setting of realistic timetables, the fixing of the trial date at a very early stage and the referrals to alternative dispute resolution procedures are all designed to promote the amicable and expeditious resolution of cases while at the same time reducing cost, enhancing efficiency and creating certainty and predictability in the litigation process.

As part of the drive for improved efficiency the new CPR provide for the *appropriate use of technology* to play a major role in the management of litigation. Thus, to allow parties to save time and expense, especially so where parties and their Attorneys come from far distances, judges will make increasing use of telephone hearings and video conferencing. **The composite result of the major changes introduced in the new CPR is to achieve a civil justice system that is speedier, cheaper, less complex and more litigant-friendly. It is a system, which will encourage and facilitate greater settlement at the earliest stage of the proceedings and thus fewer matters will reach to trial.**

As we embark upon this new venture we expect that we will encounter problems, mindful of the fact that no system, however strategically crafted, is free from fault. *Even in England, the jurisdiction in which these Rules were first conceptualized, they have had to constantly refine and amend their Rules as the need arose, so much so that in the six years in which their New Rules have been implemented, they have already passed their 36th amendment.* In this regard, I have appointed a Monitoring Committee comprising members of the Judiciary and the Law Association with clear terms of reference to constantly scrutinize the workings of the entire system and to recommend amendments on a timely basis whenever the need arises.

In anticipation of these difficulties I have invited the *Honourable Madam Justice Barbara Rothstein, Director of the Federal Judicial Center in Washington, D.C.*, to assist us in monitoring and overcoming whatever teething problems we may encounter during implementation. Judge Rothstein, who is a *former Chief Judge of the Western District of Washington*, together with two very experienced members of her team, are expected here within a month or two. They will work hand in hand with our IT staff and our judges, troubleshooting to ensure that this phase of implementation moves along smoothly.

The learned Judge is endowed with a wealth of knowledge and experience in administering justice in a case management environment predicated upon a docket system similar to the one we have adopted. Indeed, it was Judge Rothstein and her team who had assisted us tremendously during our planning stages to shape our docket management system to suit our particular needs. I wish to take this opportunity to sincerely thank Judge Rothstein and her team for responding to my request and also to express my gratitude for the invaluable contribution they have made to our deliberations.

Ladies and gentlemen, these New Rules bring with them a *new litigation culture* – a *paradigm shift in the manner in which we conduct business in the civil litigation process.* They seek to instill discipline and engender responsible behaviour on the part of all participants in the litigation process. *Discipline in any system is the hallmark of efficiency and productivity.* To a large extent there has been a breakdown in discipline in many facets of society leading to a substantial degree of lawlessness. Such irresponsible behaviour is reflected not only in the criminal justice system but features prominently also in the civil justice system. The new civil procedural code seeks to

address these social ills by early court intervention and by the application of Rules, which promote procedural fairness. *The New Rules were not drafted for the benefit of the Judiciary nor the Legal Profession but for the absolute benefit of the litigant.*

In order for this system to be successful it requires all stakeholders, including the litigants, their lawyers, the judges and support staff to be *responsive to change. it requires the fullest recognition, commitment and dedication from all of us to the ideals of the new procedural code.* Demonstrating discipline in the conduct of litigation by those of us who work the system may very well create a rippling effect of the new culture to the litigants. This in turn may permeate the moral fabric of society initiating the process of responsible behaviour among all our citizens in every day affairs. It is true that this concept may appear overly ambitious but let us not underestimate the value of doing that which is good, for every step in the right direction has the potential of bringing heaven closer to earth. Instead of cursing the darkness let us light a candle.

THE MAGISTRACY

We are also on the threshold of a new age in the Magistracy. The blighted ancient system of taking notes in long hand, which substantially paralysed the administration of justice, both in the Magistracy and the High Courts, is nearing the end.

This will be replaced by a system, which is reflective of the technological age, and will help to speed up the administration of justice.

Update on Court Reporting Services-Note-taking System

I have lamented on numerous occasions, that the current practice of taking notes of evidence by hand in the Courts is archaic and creates unconscionable delay in the administration of justice. The vision of the Judiciary of Trinidad and Tobago is to implement a more efficient and technologically sound system of recording proceedings in Court via an Audio Digital Court Recording system. I am happy to say that this vision is well on its way to realization.

Eight (8) Audio Digital Court Recording systems have been installed at the Family Court, thus completely eliminating the taking of hand written notes.

In the wider Judiciary an additional twenty-four (24) courtrooms were to be installed with the system by the end of September 2004. Due to delays in the installation process however, we were only able to install 18 systems. Two (2) systems were also installed in courtrooms at the Supreme Court in Tobago, three (3) courtrooms in the Arima Magistrates' Court and thirteen (13) in the St. George West Magistrates' Court. In July of this year, the switch from hand written notes to full recording was accomplished, with only those matters still limited by legislation being taken by hand. The only limitation to the full use of the system has been the effect of the current legislation. As currently drafted, the Preliminary Inquiries Act requires certain documents to be hand written.

The Office of the Attorney General is addressing our concerns in the matter and we look forward to legislative changes in the near future.

Although the installation process has taken longer than anticipated, the project is progressing steadily. Funds have been set aside for the purchase of twenty-six (26) additional systems throughout the Magistracy and the Supreme Court. With the implementation of the new Civil Proceedings Rules, priority was given to installing the systems in the courtrooms at the Supreme Court in San Fernando.

Three (3) portable audio digital systems were also purchased which function in the same way as the permanent systems. They can be deployed in areas where permanent installation has not yet occurred. The three (3) systems were assigned to the Tobago Magistrates' Court for use at the Roxborough and Charlotteville, South Trinidad to facilitate recordings. The third system is being used for the training of personnel and can be deployed as needed.

All the remaining courtrooms within the Judiciary of Trinidad and Tobago are scheduled for the implementation of Audio Digital Court Recording systems and it is anticipated that this project will be completed by the end of 2007.

I should make mention that the United States Embassy has donated a total of fifteen (15) Audio Digital Court Recording systems to the Judiciary of Trinidad and Tobago and again we thank them. In particular I would like to thank His Excellency, Ambassador Roy Austin and Mr. Rupert Vaughn for their special interest and extra effort in ensuring that we had a good start.

Our partnership with COSTAATT to train personnel to support this new technology is ongoing. The first class of trained Transcriptionists graduated from COSTAATT in May of this year and were brought on board in August. Other persons will complete the Transcription Programme in January 2006. It is also anticipated that graduates from different levels of the Associate Degree programme including Scopists by December 2006, Rapid Text Entry Transcriptionists by May 2007 and CAT Reporters by December 2008 will be available to the Judiciary.

Buildings

The focus, as I indicated in my address last year, was to improve court buildings in the Magistracy. While this initiative was successful in some areas, such as Couva, Rio Claro, St. George West, Scarborough, Charlotteville, Roxborough, Cedros and La Brea, in the areas in which we had hoped to make a significant impact, including the Magisterial Districts of San Fernando and Chaguanas, we were less successful. We have however been able to identify a new building to house the Siparia Magistrates' Court and the building will be acquired by the end of September 2005. When the building is acquired, the customization will take approximately eight (8) months to completion.

With regard to the buildings to house the San Fernando and Chaguanas Magistrates' Courts, it is only in mid-June 2005 that the Judiciary obtained approval to expend funds to customize the buildings and it should be noted that even with these approvals, the terms of the leases are being re-negotiated to comply with Cabinet's decision that the leases be for a period of five (5) years with an option to renew for a further five (5) years. Despite these setbacks, the Judiciary has since engaged a Project Manager and a firm to deal with Services Design Drawings. The project commencement date was September 5, 2005 and it is anticipated that buildings to house the Court in San Fernando will be fully customized and ready for operation by May 1, 2006. The Chaguanas Magistrates' Court Project is expected to commence at the end of November 2005. I want to further state however, that these facilities can only be regarded as a temporary solution until we have buildings that are purpose built for our courts.

POST SCRIPT

A Third Magistrate's Court in Tobago:

In my address last year, I indicated that after consultation with the Chairman of the Tobago House of Assembly, it was recognised that there was need for a third Magistrate's Court, well equipped to reflect today's technology. This is to be a special Court, with legally trained prosecutors, and it is intended that it will deal mainly with drugs and firearms cases, and urgent matters, involving offences in tourists' cases. Cabinet has agreed to these proposals, and work is expected to begin shortly.

FURTHER ASSISTANCE FOR MAGISTRATES

Over the past three years there has been significant improvement in assisting and equipping the Magistrates to carry out their functions more efficiently.

- (a) There is a constant supply of basic reference books, and texts to help them deal with intricate points of law.
- (b) There are now research assistants, who are assigned to the Magistrates, in order to relieve them from some of the research in the more complex cases.
- (c) A Magistrates' Library will shortly be opened fully equipped, with all the latest reference and textbooks. No one can dispute the value of such a facility in the performance of judicial functions. This library will be located at the corner of St. Vincent and Duke Streets, Port of Spain, and those Magistrates who find it difficult to use these facilities will soon be able to access them from their computer equipped chambers.
- (d) During the course of 2005, a portal on the Courts' website was launched. The portal is an open resource accessible to the judiciary and the public via the Courts' website. It gives access to web-based legal information and databases of case law, and bibliographic information produced by the Supreme Court Library.

Judicial officers and managers now have online access to a wide range of legal material.

The provision of the above and facilitating of an e-mail access to judicial officers now enables response to queries via e-mail. E-mail is not only being utilized as a tool for answering queries and disseminating information internally to members of the Library but also as a means of keeping judges, magistrates, indeed all judicial officers, informed of information developments in the legal field.

THE REMAND COURT COMMITTEE:
MAGISTRATES' COURT CASE MANAGEMENT PILOT PROJECT
SOLVING THE PROBLEMS IN THE MAGISTRATES' AND HIGH COURTS

This Committee chaired by Justice Mark Mohammed comprising all of the most senior representatives of all the organs of the criminal justice sector, in its Report issued in 2003, examined the need for several urgent reforms to the criminal justice system. Of particular concern was the situation in the Magistrates' Courts where the case lists had over time become unacceptably long, thus leading to Magistrates having to spend an increasing and certainly an inordinate amount of time in adjourning a substantial number of matters which were not ready for the preliminary enquiry or summary trial and thus reducing the amount of time available to spend on their purely judicial duties. A solution had to be found and urgently so. The Committee recommended the introduction of Case Management at the level of the Magistrates' Courts and in order to test this idea, it was further suggested, after feasibility enquiries, that it be done initially as a Pilot Project for the Port of Spain Magistrates' Courts. A Pilot Project has distinct advantages. At the end of the first year, a performance audit can be conducted in order to determine whether the project is realistically achieving its objectives. Practical day-to-day administrative, clerical and other difficulties which emerge, can be examined and solutions identified.

I am pleased to advise that consistent with the recommendation of the Committee, the Pilot Project, for an initial period of one year, will commence within a relatively short period of time. It was hoped that the Project would have been implemented by August of this year but due to several court administration, technical, information technology and human resource considerations, a more feasible date is now regarded as being early in the next calendar year. The Project is intended to operate in the following manner. There will be a dedicated Courtroom referred to as "the Case Management" Courtroom. The Presiding Magistrate will be an experienced Senior Magistrate who has the assistance of another Magistrate. Eventually, both Magistrates will work on a rotational basis. The Magistrates for the Project will be designated as Case Management Magistrates. This Court will not conduct the actual preliminary enquiries or summary trials.

The real key to the efficiency of this Court will be the ready availability of the relevant personnel from the various Offices and Departments, which play pivotal roles in the administration of criminal justice. The Criminal Bar Association is in the process of

considering the provision of a list of Attorneys who will be rostered to this court to advise Accused persons within the context of case management hearings and what those hearings require. It is proposed that two defence attorneys should be on duty in the Court at all times. Their role will be principally to assist with respect to issues, separate and apart from the actual preliminary enquiry or trial such as, by way of illustration, applications for bail, applications for disclosure, preliminary legal arguments, guilty pleas etc. These attorneys are expected to be remunerated by the Legal Aid and Advisory Authority. From the Legal Aid Authority also, a senior administrative official is expected to be present in the Court on a daily basis to receive applications for the appointment of Legal Aid Counsel.

The Court is expected to have the fulltime services of two Police Prosecutors and two Prosecuting Attorneys from the Office of the Director of Public Prosecutions. The Police Prosecutors will serve primarily as conduits, for the supply of required case management information from the respective Police Complainants to the Magistrate. They will perform follow-up work with the Complainants. The prosecuting attorneys will also share part of this function, but more importantly, they will be on hand throughout the day to assist when legal arguments and applications arise, particularly those relating to disclosure. The prosecuting attorneys and police prosecutors will also identify for the benefit of the Forensic Science Centre, those expert examinations which either need to be fast-tracked or which are pending for too long, to the detriment of an early trial or preliminary enquiry date. The aim here will be to establish an accurate and steady stream of up-to-date information between the Forensic Science Centre and the Case Management Court. All of the case management information, which is required will be provided orally by the relevant parties to the Magistrate, who will record it in a detailed Questionnaire which will be kept as part of the Court Record.

The matters, including those of persons on the usual ten day or any longer remand, will be adjourned in the Case Management Court from time to time, in so far as this is necessary. Subsequent status hearings will ascertain the precise reason(s) for delays, who is responsible for it and more importantly, the Court will operate proactively in an attempt to eliminate the delay by requiring the relevant party to do the required thing with expedition. When the matters are ready for summary trial or the preliminary enquiry, they will be placed into the lists of the Courts that conduct trials or preliminary enquiries. While the matters remain on the Case Management List, witness summonses will not be issued. Thus, not only will paper and police time be conserved but there will be less of a risk of witnesses becoming frustrated by the prospect of having to come to Court only for the matter to be repeatedly adjourned. Only the Police Complainant will be required to attend the adjourned case management hearings.

This then is the general procedure, which will apply to all Summary Complaints and Indictable Informations filed after the date of the implementation of the Pilot Project. There are likely to be some refinements to the proposal to take account, in particular, of information technology considerations and the best practices in other jurisdictions, in so far as they can apply to our own. One such contemplated refinement to the general

proposal is the introduction of a second court only for the purpose of Arraignments and the taking of Guilty Pleas. All of the matters laid after the project implementation date will go directly to the Port of Spain Magistrates' Court Central Case Management List in the Case Management Court and will be dealt with in accordance with the general procedure which I have outlined. Those matters that are ready to be commenced on the same day of first calling will be transferred from the Case Management Court to the Trial Courts.

A primary objective of this exercise is to introduce an efficient culture of case management at the Magisterial Level by requiring parties to focus on relevant legal, evidential and procedural issues from the earliest possible stage with a view to reducing unnecessary delays down the line.

A further important objective is to remove from the Courts actually conducting trials and preliminary enquiries, the cumbersome, time consuming and non-productive tasks of preparing paper work for and then calling and simply adjourning large numbers of matters which are not ready to go on. Such matters tend to be recycled to an unacceptable extent. The overall objective is to create more productive Court time for Magistrates to actually try the summary complaints and hear the preliminary enquiries, when both sides are realistically and truly ready. This is all in an attempt to help streamline procedures and reduce unacceptable delays at the magisterial level. The efficiency of that system must be restored and public confidence in it fostered.

Part-heard and pending matters, as of the date of the implementation of the Pilot Project, will not be included in it, since the desire is to keep the project as "clean" and "streamlined" as possible. Part-heard and pending matters will be dealt with separately as part of a dedicated Backlog Reduction Exercise in respect of which I intend to appoint a Committee. This exercise will most probably have to involve additional Magistrates being brought in.

Shortening Criminal Trials in the High Court:

In my address for the opening of the Law Term in 2002, I noted that measures needed to be devised in order to shorten the length of criminal trials in both the High Courts and the Magistrates' Courts. Very often these trials involve undisputed issues. In a case for example involving the alleged Possession of A Dangerous Drug Marijuana for the Purpose of Trafficking, it is frequently not in dispute that the substance in question is a prohibited narcotic. What is most often in dispute is whether the Accused was in possession of it. If there is agreement between the Prosecution and the Defence on uncontested issues, this would obviate the need to call evidence on those issues, and it would help reduce trial time. Additionally, any delays at the Forensic Science Centre will not impact so severely on how quickly the matter comes up for trial.

In my address in 2002, I had suggested that the advantages of streamlining criminal trials by enabling agreement on non-disputed issues would be these:

- (1) It would shorten the trial and save costs;
- (2) The jury would less likely be confused in view of the narrowness of the issues;
- (3) It would reduce the margin for judicial error;
- (4) The Trial Judge would not have to go through the 'ritual' of "fossilized legal archaeology", as I termed it.

I am pleased to report that substantial progress in this area has been made. By the Summary Courts (Amendment) Act and the Criminal Procedure (Amendment) Act. One of the more important provisions of this Act is that Counsel can agree on issues, which are not disputed. By these provisions, the length of criminal trials ought to be shortened and any delays at the Forensic Science Centre will not impact so seriously on the early commencement of matters, particularly those relating to narcotics and firearms possession.

Bearing in mind the need to consider other measures to shorten the length of criminal trials consistent at the same time with the need for an approach which is not capable of causing any prejudice to criminal defendants, I have established a Committee under the Chairmanship of Madame Justice of Appeal Paula Mae Weekes, to recommend any further measures which may be considered necessary.

Plea Bargaining:

The number of matters, which go to trial, is extremely high in this jurisdiction. In other jurisdictions, a fair percentage of criminal matters do not go to trial because of plea agreements. The Criminal Procedure (Plea Discussion and Plea Agreement) Act, 1999 does not appear to have been utilized frequently. It may be that one of the reasons for this is a perceived lack of adequate protection in the Act for prosecutors. If this is the case, then the Act may need to be revised so as to incorporate the requisite safeguards and to enable it to be used with greater frequency when considered appropriate by the relevant parties to do so.

Criminal Case Management in the High Court:

Following upon the recent introduction of the Civil Procedure Rules and the impending introduction of the Case Management Pilot Project at the Magistrates' Court and in the light of reports that due to occasional failures by parties to supply sufficiently detailed and accurate information, the Criminal Cause List Hearings at the High Courts are not always as productive as they should be, I wish to serve notice today that it is only a matter of time before a more formalized system of criminal case management is introduced at the High Court. This system is likely to involve formal Criminal Case Management Rules and the introduction of Pleas and Directions Hearings, the latter of which would most like require a statutory framework.

Legal Aid:

An important marker of the development of a country's criminal justice system is the access to justice, which its citizens enjoy. It is of vital importance therefore that the Legal Aid System be one that operates efficiently and effectively since for the indigent citizen, this is his only hope of acquiring legal representation.

I am pleased to observe that substantial progress appears to have been made under the present Chairman of the Legal Aid and Advisory Authority, Mr. Gilbert Peterson S.C. An important testing ground will be the operation of the Magisterial Case Management Court which, in order to succeed, will need the full time services of Defence Attorneys as already outlined.

The provision of Legal Aid cannot however only extend as far as the Courts. This would be too myopic an approach. The provision of legal advice at the pre-trial stage, for e.g. in the form of Duty Attorneys attached to Police Stations needs to be considered as well. If such legal advice were made available, it would conduce to the maintenance of the integrity of police investigations. Such attorneys, for e.g., could be on stand-by should Accused persons wish to consult before giving statements to the police and they could be present during the actual giving of the statement. Such an arrangement would have the potential to be a formidable safeguard against any abuse of police authority.

THE FAMILY COURT – A SUCCESS STORY

The Family Court of Trinidad and Tobago opened its doors on May 16th 2004. This Court whose theme is a new approach has indeed been instrumental in successfully implementing many new and innovative approaches.

Society is essentially built around the family unit and, as this unit disintegrates so too will our society. The new approach adopted by the Family Court is in direct response to the many families in crisis and the emerging crime problems plaguing our society today.

This response represents a radical departure from our judicial traditions and produces tangible solutions that were not previously available. It seeks to embrace, a more holistic approach to resolving family conflicts by incorporating legal, psychological and socio-economic issues.

A major contributing factor to our success is the direct intervention made by the court and the attending social and mediation services in the lives of parents and children in our society. The intense focus that is now placed on conflict resolution as opposed to the traditional adversarial approach has empowered fragmented families to find solutions that in most cases lead to a "win-win" situation. They have been encouraged to abandon formerly held concepts such as "support money" and "child money" and instead view

their financial contribution not only as a means of sustenance for their children but as providing a direct solution aimed at equipping and advancing their lives.

In order to effect change, the Family Court has employed a number of strategies which required a greater level of networking between the court and external organizations. Government agencies and departments, non governmental organizations as well as psychologists, psychiatrists, have been engaged in order to ensure that the process is not superficial but delivers as far as possible, practical alternatives to many of our problems. One of the benefits derived from such collaborative efforts, has been the decrease in committals of young children to Juvenile Detention Centres. Children are placed on supervised probation with the added benefit of accessing vocational institutions, which present opportunities where there were none before. One can safely argue that were it not for the intervention of the Family Court many would not have had the opportunity of a second chance.

The level of efficiency now being achieved at the Family Court is indicative of the following: -

- Prior to the establishment of the Family Court, a matrimonial matter could take anywhere between one year and several years to have a first hearing date at the Supreme Court. Despite the increasing volume of matters filed at the Family Court, all High Court matters are given their first hearing within eight (8) weeks of filing. Magisterial matters within 3-4 weeks. The scheduling of matters within these given timeframes has allowed the court to achieve one of its overriding objectives, which states “matters must be heard expeditiously.”
- During the last year of operations a total of 6,405 matters were filed at the Family Court of which 4,746 matters were determined.

The comments on our service from our customers are note worthy. Such comments include service is excellent, maintain present standard, highly professional system, keep doing good work, it is perfect, environment is very good, 100% satisfying, service is very comfortable and the environment is clean, and there should be more than one court like this. Attorneys have commented that they welcome the change from the old system, that the court operates in a prompt and efficient manner and that it took the bitterness out of the breakdown of marriage. The high quality of services provided by the Family Court has resulted in an increasing demand on our human resources, and as a consequence staffing at the Court has to be revisited.

Word about the operations of the Family Court, its innovative, effective and efficient system, procedures and operations have not gone unnoticed. We soon began receiving requests from agencies locally, regionally and internationally to visit our facilities. These visitors included Judicial Officers, Administrators and Public Servants from as far as the Netherlands, Bahamas, Jamaica, England and Ghana. One visitor from the Caribbean

region has made the comment that it is good to know that there is a model within the Region that can be used to effect improvement within regional court systems.

It was with great courage of conviction that the judiciary of Trinidad and Tobago embraced this new concept of resolving family related matters. We can boast that we now have a better understanding of the need to change not only the way we think but also the way we conduct business in this new paradigm. The Court's philosophy of encouraging parties to resolve their family disputes themselves, with specialist assistance and support wherever necessary speaks to the empowerment of our people, as an essential ingredient if we are to continue to pursue a path of people development, while at the same time preserving the integrity of justice and the rule of law.

JUDICIAL EDUCATION

The Judicial Education Institute (JEI) continued its focus on the training and development of Judicial Officers and their support staff as part of its commitment to the promotion of excellence in the Administration of Justice in Trinidad and Tobago.

Since its inception in 2003, the Institute has planned, organized, supervised and evaluated approximately 46 training programmes of Judicial officers and their support staff in a wide variety of areas.

In November 2004 Judges, Masters and Magistrates were exposed to a three part intensive workshop on anti Money Laundering. The Institute took cognisance of the fact that money laundering has become so sophisticated in recent years that very specialized training for Judicial Officers was needed in order for them to deal effectively with the growing number of cases of money laundering before them.

This programme sought to assist Judicial Officers with their consideration of applications for various orders under the Proceeds of Crime Act. They were exposed to a number of authorities and established guidelines in the relevant areas including the examination of legislation to outlaw money laundering and legislation to ensure that the proceeds of crime can be confiscated.

The facilitator, Mr. Andrew Mitchell, QC, Head of Furnival Chambers, London who is widely regarded as one of the foremost experts in the area of Money laundering had facilitated several previous sessions hosted by the Caribbean Anti Money Laundering Programme (CALP) in the Caribbean discussed with the Judges, Masters and Magistrates various aspects of the Trinidad anti-Money Laundering Scheme including the prosecution of money laundering offences as they relate to the proceeds of serious crime or drug trafficking.

Judicial Officers were given the opportunity to work in groups and examine various test scenarios. They were also exposed to the issue of terrorism and the funding of terrorist

activity by the illegal movement of laundered funds through the global financial system in a manner not easily detectable by authorities.

In October 2004 Magistrates and Clerks of the Peace/Family Court Intake Officers, Social Workers and probation Officers were exposed to Domestic Violence Sensitisation Training held by the JEI in conjunction with the Inter American Development Bank (IADB) and the Coalition Against domestic Violence (CADV). This type of joint programme with external non-legal organisations was a first for the Institute and was very well received by all who attended.

The consultants who audited the project and sent out to all Judicial Officers including those who did not actually attend the sessions produced a very detailed resource manual.

The JEI being mindful of the upcoming implementation of the new Civil Proceedings Rules aimed at empowering the Judiciary to effectively monitor and manage cases as they make their way through the judicial system, began a series of training programmes for Judges, Masters, Magistrates, Registrars and Judicial support staff. These programmes started with the Registrars” two and half day residential workshop held in November, and was facilitated by Mr. Robin Mohammed, Deputy Registrar, Supreme Court.

In January 2005 Judicial Officers were exposed to Case flow Management Principles facilitated by Master C.A. Morris-Alleyne and an in-depth study of the rules and Joint Reading of the Rules with Registrars facilitated by Mr. Robin Mohammed.

In February two Canadian experts, Master Mary Jo Nolan – “Case Management Master, from Canada and Master Calum MacLeod, Administrative Master, Superior Court of Justice, Toronto, Ontario, Canada, visited to provide training in the area of Case Management Conference Skills for the Bench.

In March, the Honourable Mr. Justice Adrian Saunders, Acting Chief Justice of the OECS and the Honourable Mme. Justice Charmaine Pemberton presented sessions on Case Management/Trial Management.

In March 2005, the Judiciary of Trinidad and Tobago was privileged to host three senior officers of the Federal Judicial Center, Washington, DC, Judge Barbara Rothstein, the Center’s Director, Dr. Jim Eaglin, Director of Research and Ms. Patricia Lombard, Senior Research Associate. The Federal Judicial Center has for more than thirty years been given the responsibility by the United States Congress of training US Federal Judges. It is a vastly experienced organization of very high quality. The Center’s distinguished representatives, together with our own JEI, hosted an afternoon seminar spread over three days entitled “Case Management and Individual Calendar Management”, as part of the on going programme of preparation for the implementation of the new CPR.

Continuing the trend the Institute played host in April to Master Anthony Hoffman, Taxing Master in the United Kingdom and author of one of the foremost authorities on

costs in the United Kingdom. He was able to conduct Cost Assessment Training during two half-day sessions for Judges and Masters and three half-day sessions for Registrars.

The Institute in its quest for judicial excellence has realised the critical importance of exposing members of the legal fraternity to certain of its key training sessions covering topics of specific relevance to both Bench and Bar. The Law Association has been given the opportunity to access the foreign and local facilitators of the JEI with particular reference to the training associated with the implementation of the new Rules.

Attorneys have attended numerous Saturday seminars conducted by Deputy Registrar, Robin Mohammed in Port of Spain, San Fernando and Tobago on various aspects of the Rules. In addition Master Anthony Hoffman conducted a session on Cost Assessments, exclusively for attorneys. It is clear that only through cooperation between Bench and Bar that there can be the successful implementation of these vitally important new rules, which will allow the public easier access to justice. It is also apparent that continuing legal education and not only judicial education must be a key consideration. The legal fraternity, including the bench must strive together to ensure that both attorneys and judges are well trained; for it is only then that the noble objective of the fraternity to ensure that justice is dispensed fairly can be achieved.

The 2005 Judges and Masters Continuing Education Seminar was held in June and again the topic under consideration were the New Civil Proceedings Rules. Judges and Masters were exposed to sessions presented by the Deputy Registrar, Mr. Robin Mohammed on the Process of Initiation and Notification of Proceedings under the CPR and Implementing the New Costs Regime: The Judiciary Perspective. The Institute managed to obtain the services of the Honourable Judge Ivan L.R. Lemelle from Louisiana and Dr. Jim Eaglin, Director of Research at the Federal Judicial Center in Washington to give a presentation on the Management of Pre-trial Matters in Civil Cases under the CPR.

Judges and Masters had an excellent opportunity to network amongst themselves and raise any outstanding issues associated with the Rules.

The Magistrates' Continuing Education Seminar was held in July 2005. The JEI put together a programme for the Magistrates after conducting a needs analysis of the Magistrates to ascertain what were the topics in which they were specifically interested.

The Honourable Judge Sandra Oxner from the Commonwealth Judicial Education Institute presented a very well thought out session on the Role and Function of an Effective Magistrate in which she discussed various issues that might negatively impact on a Magistrate and prevent him or her from doing the best possible job. She was able to "look inside" the daily functions of Magistrates and offer best practice advice to them related to coping strategies.

Representatives from the LexisNexis Group which provides information to legal, corporate, government and academic markets and publishes legal, tax and regulatory information via online, hardcopy print and CD-ROM formats made a presentation to the Magistrates on the proposed system in train for the Judiciary. Being ever mindful of the developments in technology in the areas of legal and judicial research and access to materials the Judiciary has formed relationships with several online providers including LexisNexis. Judicial Officers will soon be able to easily access relevant legal information including laws, cases, new precedents etc. via the LexisNexis research systems. This access to cutting edge technology will assist our Judicial Officers in the quest to deliver justice in a speedy manner.

The Honourable Madam Justice of Appeal Weekes did an in-depth presentation on the area of Evidence with specific reference to Good Character and Documentary Evidence.

PUBLIC EDUCATION

During the 2004/2005 Law Term there was also a focus not only on judicial education but also on public education. In accordance with a promise I made in my first address to demystify the judiciary and the administration of justice, a programme comprising five twenty minute segments featuring interviews with several Judicial Officers, administrators and myself were researched and taped. They are to be screened later this year. I am sure you will find them enlightening and stimulating.

PRISON REFORM

In my address for the Opening of the 2004-2005 Law Term, I made reference to prison conditions and joined with other organizations in calling on the executive to take immediate steps to bring standards in the nation's prisons up to acceptable levels. This year I must renew my appeal. It is my understanding that within the past year there have been attempts at alleviating some of the problems experienced at our prisons particularly that of overcrowding of cells by shifting a significant number of detainees to less populated facilities. While this is indeed a step in the right direction, there remains much that still needs to be addressed; sanitation, staffing and rehabilitation come immediately to mind.

The prison population today stands at **1411** on remand and **2371** convicted (figures taken from most recent gaol delivery). Whether on remand or serving a sentence, detainees are committed to prison as a consequence of an order of the Court and so the Judiciary has a vested interest in existing prison conditions and must be satisfied that persons incarcerated on remand are accorded treatment consistent with the presumption of innocence and those sentenced to a term of years are not dehumanised in the name of justice. The judiciary must neither close its eyes nor shut its mouth when the evidence suggests that its orders may be resulting in unintentional and undesirable consequences. The Law Association has recently brought to my attention the conditions in our prisons and has urged the judiciary to inform itself on the issue. In 1998 number of our judges

paid an informal visit to the Golden Grove and Maximum Security Prisons. They were shocked and appalled at the conditions at Golden Grove and the Remand Yard. The Maximum Security Prison was at that time new and only minimally occupied and it seemed to be a great improvement on what obtained next door. Perhaps the time has come for a repeat visit so that our judges and magistrates can have some idea of the true effect of their custodial orders. Whether or not prison conditions should have any effect on sentences imposed may be a matter for each individual's discretion but surely before that decision is taken the judge or magistrate should have at least an idea of what obtains at the prisons.

From reports coming to my attention it would appear that many of the problems within our prison system, problems to which I alluded last year, are now being addressed. The newly appointed Commissioner of Prisons has expressed his intention and that of the entire Prison Service, to meet and treat with these challenges head-on, and is in fact now doing so; but perhaps the time has come for a comprehensive and holistic approach, that is, reform of the entire criminal justice system. Prison comes at the tail end of a process involving many stages and it will be difficult to effect meaningful change in any single component without addressing the whole. The police, the prosecuting authority, the judiciary and the prisons are inextricably linked in the system of criminal justice. To date the departments have worked each in isolation without a common philosophy or master plan and as the level of violent crime, in particular murder, rises exponentially, the solution to our present dilemma might be the establishment of a central authority exercising joint leadership over the criminal justice system.

In the past, there have been various task forces and committees investigating and reporting on the reform of various agencies involved in the delivery of justice, the most recent being the Cabinet appointed Task Force on Prison Reform and Transformation, which reported in 2002. The task force engaged in discussions with a broad spectrum of interest groups and drew on wide-ranging expertise in coming to its recommendations which included re-integration initiatives, the introduction of a parole system, special emphasis on youth justice, restorative justice, women in prison and recommendations for the effective and efficient management and administration of the prison service. How many of these recommendations have been put into effect in whole or in part is uncertain but anecdotal evidence does not suggest much of what has been recommended has been realized. It would be a great pity to allow the hard work of the task force to have been in vain.

The criminal justice system flow chart that is appended to the task force report demonstrates the essential connection among various agencies as it follows the system from arrest to probation/parole. The connectivity suggests that significant improvement in any one sector is dependent on overall improvement of the whole and so requires a coordinated approach by a central authority having an overview of the entire range of services impacting on the criminal justice system. Of course while we wait for this approach to be considered and adopted we cannot sit idly and fiddle while Rome burns

so prison reform must remain on the front burner and I urge the executive to ensure that this is so.

From all appearances our prison population is likely to increase steadily in the near future and if all else remains the same we do not need a crystal ball to predict with a measure of certainty that we will be due for a cataclysmic explosion. The system must be able to deal with the volume as well as the peculiar and increasingly complex problems that exist in a prison population today. These improvements cannot await 2020. We must act now. I hope that in my address for the opening of the next law term I can report strides that have been made in bringing our prison system into the 21st Century.

CONDUCT AND ETIQUETTE AT THE BAR

The quality of justice that the public receives depends on the quality of the Bar. Whilst legal knowledge and skills are no doubt important qualities it is too often forgotten that a person's character is equally important.

Recently we have observed a decline in standards. We find it very disconcerting especially with respect to punctuality and more seriously the courtroom behaviour of some younger attorneys.

The Court of Appeal has the advantage, especially in capital matters, of reading the full transcript of attorneys' submissions. Often we are astounded at what passes for advocacy.

I remind attorneys that each member of the Bar has a duty at all times to uphold the dignity and status of his profession. In so doing, he will also maintain his own dignity and high standing as a member of the profession. Attorneys must always remember that they can only maintain the high tradition of the profession by being persons of high integrity with dignity. In this regard the guidelines set out in the Third Schedule to the Legal Profession Act under the rubric "Code of Ethics" are most instructive and should be adhered to.

The recent case of *The State v Pitman and Agard* is a classic example of the type of conduct on the part of attorneys which bring the entire profession into disrepute. I sincerely hope that what transpired there is not a sign of falling standards of professional integrity. In this case, Pitman and Agard were jointly charged for murdering Senator Cropper's mother, husband and sister. These murders were demonic and brutal. The records show that at the Preliminary Inquiry at the Magistrate's Court on being cross-examined by counsel Senator Cropper was subjected to the most disgraceful and shameful conduct by counsel. In point of fact, it would appear from the records, that she was being put on trial rather than the two convicted murderers. On learning what had happened I apologised personally to Senator Cropper.

Incidents like this must never ever happen again, and I urge all magistrates and judges, to take robust and stern measures, to ensure that witnesses are treated with courtesy and dignity.

The fact that attorneys are now before the courts on criminal charges suggests to me that the Legislature should consider amending the Legal Profession Act to permit suspension of the attorney's practicing certificate until the determination of the matter. It is not fair; both to the public and to the profession that such a person is allowed to continue to practise his profession whilst at the same time he is an accused before the court.

I think that the same rule, which applies to the public and police services, should apply to the legal profession that is to say, when such officers are charged with offences they usually are suspended from duty. I think a similar rule should apply to the legal profession.

THE DISCIPLINARY COMMITTEE

This body is responsible for dealing with complaints against attorneys-at-law. That the work of the committee has increased over the years notwithstanding, it is of paramount importance that complaints are adjudicated upon with dispatch.

In a recent case arising out of disciplinary proceedings against an attorney, the Privy Council had this to say on the question of delay "For the Committee to have delayed eight (8) years in giving its judgment was, it need hardly be said, highly reprehensible, indeed unforgivable."

Such a statement is a clear indictment on the Disciplinary Committee, and I am sure that the committee will heed the sentiments expressed by the Privy Council.

APPOINTMENT OF SENIOR COUNSEL -SILK

In my address at the opening of the 2003/2004 Law Term I stated that the award of Senior Counsel, more commonly known as "Silk" was a constitutional anomaly.

Presently, applications for Silk are made to the Honourable Attorney General who, after consultation with the Chief Justice, submits a list of names to the Honourable Prime Minister. The Honourable Prime Minister makes the final selection. His Excellency The President then makes the appointments in accordance with the advice of the Prime Minister.

I recommended in 2003/2004 that the appointment process should be changed. In April 2003, the United Kingdom's Lord Chancellor suspended the award of Silk pending a review of the selection process. A new system has now been implemented which better serves the public interest by offering a fair and transparent means of identifying

excellence in advocacy in the high Courts. The same approach needs to be adopted in this country.

The members of the Inner Bar are the true leaders of the legal profession. It is therefore critical that the Inner Bar comprises persons who have demonstrated themselves to be worthy of the title of "Senior Counsel". Several qualities at once spring to mind: integrity, knowledge and understanding of the law and its application and superior advocacy skills. These qualities are by no means exhaustive in nature but I advance them to remind you of the pillars on which this award is based.

The High Court and Court of Appeal are ideally suited to assess whether an attorney is worthy of Silk. After all, applicants for Silk appear before these courts regularly. I think that His Excellency the President should make appointments of Senior Counsel acting on the advice of a Selection Committee chaired by the Chief Justice. Such a committee could comprise the Attorney General (who is the titular head of the Bar), representatives of the Law Association, senior members of the Bar and retired judges.

I say this with the knowledge that the Law Reform Commission at the request of the Attorney General has recently established a Committee to review the process of appointing Silk. The Chairman has in fact invited comments from the Judiciary. I wholeheartedly welcome the initiative.

Before I leave this matter, I wish to remind all Senior Counsel that as legal practitioners they remain subject to the rules of conduct of the Bar. No immunity lies against disciplinary proceedings and Judges expect a higher quality of advocacy from you. Continue to uphold the most sacred traditions of the profession. The public places greater faith and confidence in you because of your title. Ensure that they get the service they pay for.

STATISTICS

It is not my practice to burden you with statistics relating to performance by the various Courts, especially at this late stage of my address. However, in view of the continued exceptional performance of the Court of Appeal I think it is fair that I do so.

Civil Appeals

At the present time all Records filed in Civil matters have been assigned hearing dates.

Criminal Appeals

Subject to the availability of the relevant transcripts all pending appeals under this heading will be listed by January 2006. Accordingly, with effect from February 2006 and provided transcripts can be submitted with greater expedition, it will be possible to list all Criminal appeals within three (3) months of conviction, thereby significantly

reducing the length of time convicted prisoners would have to wait to have their appeals dealt with.

High Court

The creditable performance, by the High court, is also worthy of mention. Their industry, dedication and commitment are reflected in the statistics contained in the Annual Report, and I invite you to read them.

THE CRIME SITUATION THEN AND NOW

In dismissing Civil Appeal No.173 of 1994 in *Dole Chadee v The Attorney General of Trinidad and Tobago* on the 20th January 1995 this is what I had to say about crime:

“In recent years unemployment began to climb steadily, concomitantly crime especially crimes of violence rose, to unprecedented proportions. Heinous and brutal murders were committed, and at one point was averaging one a day.

The police service was plagued with their own problems. Equipped with antiquated weaponry, and strapped for much needed funds, they seemed powerless to deal with the surging tide of crime. All this, while criminals, drug lords, with unlimited funds, equipped with the most sophisticated weapons reigned supreme.

At one stage this element had all but taken over. Law abiding citizens stayed indoors with their homes totally protected by iron and steel bars, and gates, while criminals seemed free to roam the streets.

Not unexpectedly, the people became enraged. They formed themselves in vigilante and crime watch groups, in districts where crime was prevalent.

Sections of the community organised marches to protest the escalating rate in crime, and the inability of the State to deal with it. It was even suggested that a state of emergency, should be declared, but it was felt in some quarters that this would tarnish the image of the country, while other thought the measure was too extreme.

Severe criticisms were levelled against all institutions, including the judiciary which became an easy target. It was variously described as “impotent”, “weak” and “irrelevant” and at other times in unprintable language. Criminals were the ones with rights. Victims had become the villains, and all the professional do-gooders, ensured at all times, the plight of the criminals hogged the limelight. This was the clear perception indeed it was more than a perception. It was true.

And as if this were not all, for the first time in our country, prospective state witnesses, and witnesses in murder cases started to disappear. Some were found brutally murdered, their bodies mutilated and dumped in areas suggestive of organised crime. This often resulted in the discontinuation of murder charges with the horrendous thought that people who might have been guilty were never brought to trial and were once again free to roam the streets.

Indeed, while this appeal was actually proceeding it was reported that another murder trial had to be aborted, because the main witnesses were shot.

The people demanded action. The security forces retaliated by publicly setting up a witness protective programme, and in appropriate cases witnesses had to be kept in protective custody to ensure that they could give evidence at the trial.”

And today more than 10 years later, where are we? I shall tell you, Honourable Attorney General, distinguish Ladies and Gentlemen, today our streets are stained with the blood of our youths executed in gangland killings reminiscent of the days of the mafia.

Today several of our talk shows spew venom over the airways – bringing with it the entrails of our society. Our two major races orally bludgeon each other without sanction and accountable to no one. One may say it is even encouraged. Verbal aggression and warfare can never be a good precursor. Amidst all of this, there are cries for justice both amongst the rich as well as the poor and many of our citizens cry for justice and equality. There is a widespread feeling of desperation and despair. Since I made those comments in the Dole Chadee case eleven years ago crime has increased to such an extent, that it has now become uncontrollable. A sense of hopelessness has now become all-pervasive.

And who are we to blame honourable distinguished ladies and gentlemen? We cannot pin this indiscriminate slaughter and breakdown in society on our colonial masters. For over forty-three years we have been independent and in charge of our Country. The senseless killings and the well-targeted kidnappings, the rapes and the robberies, I submit are bad enough. The greater danger however lies in the insidious damage done to our minds over the years. What was once regarded as abhorrent and unacceptable has now become commonplace, and many of us have come to regard it, and indeed accept it, as part of our daily lives.

The time has come for us all to take a hard look and to bring churches, schools, parents, social, cultural and sporting groups all in a master plan to save our society and reclaim it from the terrorists.

I have in my previous addresses put forward several ideas including the judiciary’s role in dealing with the fight against crime. I regret to say, however, very little has been heeded.

Let me today repeat what I said in my last address:

“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.”

WORDS OF APPRECIATION AND THANKS

Ladies and Gentlemen, during this period the judges have at all times, demonstrated their fierce independence, unassailable integrity and above all their unswerving commitment to justice for all. I wish to thank them all, for the yeoman service they have rendered in the past term. I wish to assure you that the judiciary pledges its commitment in ensuring the maintenance of the rule of law.

Today, I also wish to pay tribute to all the magistrates and their support staff who have to work daily under trying conditions, especially those at the Chaguanas and San Fernando Magistrates’ Courts.

Members of the legal profession, distinguished guests, I wish to inform you that the imbroglio that now exists between the office of the Chief Justice and that of the Honourable Attorney General has not in any way affected the administration of justice. This I submit is professionalism and maturity at its best.

The Department of Court Administration has requested me to thank the Honourable Attorney General and his staff, the Public Management and Consulting Division, various divisions in the Ministries of Planning and Development and Finance, and the Division of Infrastructure, Tobago House of Assembly for their ongoing support and cooperation. The combined efforts of the relevant Public Offices within these Ministries have assisted the Judiciary in making great strides this year.

Further, I would also like to take this opportunity to thank persons who volunteered their time to sit on the various working committees initiated by the Judiciary, to further its plans in the Magistracy and in the Supreme Court.

Today I also wish to say a special thank you to the members of the Court Executive Administration and their support staff for working long and hard hours, often late into the night, to accomplish their assignments.

To the cleaners, the maintenance officers and all the other ground staff, I want to say how much we all appreciate your efforts in making our environment and workplace clean and friendly. We want you to know how much we value your efforts.

I now declare the new Law Term open. Court is adjourned to 9.00 a.m. tomorrow.

Last year Ladies and Gentlemen, I received several comments indicating my address was a little too long. In an effort to reduce the delivery time, I have excluded some of the finer details. The full text of my address can be read on the Judiciary's website or in its printed booklet.

What follows in this address Honourable Attorney General, Ladies and Gentlemen are the details and plans, which we hope will achieve our stated objective. However, put in a nutshell, the plan is that cases in the Magistrates' Court would not be listed for hearing until all the parties are ready. There will be legal personnel retained by Legal Aid and a few from the Director of Public Prosecutions' department to assist in this exercise.