

ADDRESS BY THE HONOURABLE THE CHIEF JUSTICE OF  
TRINIDAD & TOBAGO, MR JUSTICE IVOR ARCHIE, ON THE  
OCCASION OF THE CEREMONIAL OPENING OF THE 2010-2011  
LAW TERM, HALL OF JUSTICE, KNOX STREET, PORT OF SPAIN,  
SEPTEMBER 16, 2010

Your Excellency, the Acting President of the Republic of Trinidad and  
Tobago, Mr Timothy Hamel-Smith

Acting President of the Senate, Senator Lyndira Oudit

Speaker of the House of Representatives, the Honourable Wade Mark

President of the Caribbean Court of Justice, the Right Honourable  
Michael de La Bastide

The Honourable Anand Ramlogan, Attorney General

Leader of the Opposition, Dr, the Honourable Keith Rowley

Honourable Judges of the Caribbean Court of Justice

Chief Secretary of the Tobago House of Assembly, Mr Orville London

Members of the Diplomatic Corps

Members of the Industrial Court

Members of the Tax Appeal Board,

Members of the Environmental Commission

Members of the Legal Fraternity

Other specially invited guests

Members of the Media

Distinguished ladies and gentlemen

During my inaugural speech as Chief Justice, I likened the Judiciary to a business corporation, and the citizens of Trinidad and Tobago, by analogy, to its shareholders and customers. It was an approach that would have been unfamiliar, and perhaps, uncomfortable to many because it may have carried overtones of commercialism, not normally associated with the dispensation of justice. However, it was deliberate because what we have been trying to do is not just to put physical systems and procedures in place to dispose of cases, but to do so in a philosophical and psychological context that is grounded in the notions of service, accessibility and accountability.

We believe this should be the minimum return on the investment made in us by our shareholders – the national community – especially when what is invested is their trust and their confidence.

That approach also leads us to pay attention to cost effectiveness, and to embrace performance-based budgeting, as opposed to the traditional approach to budgetary subventions. It requires us to look at the subjective customer experience and not just throughput rates. It requires us to develop an organization that exists not for self-perpetuation, but one that anticipates and responds flexibly and proactively to a changing external environment, including most importantly, its customers' expectations. Otherwise that part of our vision that speaks to maintaining public confidence in the administration of justice would be a mere platitude.

The transformation of the judiciary therefore is and always will be about more than ad-hoc and intermittent 'interventions'. We are not talking about tweaking the organizational chart. There must be a real change in thinking and culture. And that involves engaging internal and external stakeholders, remembering that they too have experiences, they too have ideas, they too want a justice system that is second to none, they too are partners. Hence the theme of this

year's annual report **“Realignment for Progress through Partnerships”**

There must be a change in culture because one lesson I have learned from observation and experience is that among the biggest impediments to achieving the developed status to which we aspire are some aspects of our national culture that feed into our organizational culture. We must ask ourselves some fundamental questions. What is work? What is it for? Why is preservation of and respect for national institutions important? At the organizational level, what is a customer? What do things actually cost? What concept do we have of service? And what does it mean to be a manager?

The way we answer those questions has profound implications for the way we become organized. I cite them to let you know that the answers we have arrived at are informing the realignment of the internal management structure of the Judiciary along three distinct lines. Firstly, one must be able to set performance indicators and have meaningful measurements that can serve as effective tools to make management decisions. Secondly the organizational culture must be professional and performance driven. Thirdly as in any business, whether it is manufacturing or retailing, there must be a clear understanding of the core processes that are being managed and the things that impact on their efficient execution. I shall return to the latter in a moment, but what this means for the users of our services is that we will be better equipped to deliver those services the way every customer of every business wants it – here, now and with a minimum of hassle.

Much emphasis is being placed on the creation of a professional ethos in which we hold ourselves accountable to publicly articulated standards. In that regard I am pleased to announce that the Judges and Masters have now taken the lead in voluntarily subscribing to written guidelines for judicial conduct, which deal with matters as

diverse as financial investments, recusal, organizational memberships, fiduciary activities, acceptance of honoraria and post-retirement employment. We believe that measures like these are important if we are to retain the trust and confidence of the population. The guidelines will be available for public examination very soon.

Within the past year, therefore, we have abolished the traditional meetings of the CAU – the Court Administrative Unit - and begun the process of pushing operational decision-making authority downwards in the judiciary. Management meetings are now focusing on strategic objectives armed with the proper feedback tools. Logically this has led to a restructuring of the judiciary management into three core groups responsible for:

- Core Processes
- Development of a Professional Culture
- Performance Measurement and Management

You will see some of this reflected in the way in which our Annual Report is structured and in the presentation and commentaries on performance statistics. This approach has already begun to yield positive results. It is in the area of core process management though that the wisdom of the collaborative approach adopted over the past few years has become more apparent. Let me elaborate.

The point has been made many times that the Judiciary is the central, but not the only institution involved in the administration of justice. Our core process is case management, from filing to final disposition – that is what Judges do. In order to facilitate the speedy and efficient execution of this process the necessary information and resources must be in place at the appropriate time, for the Judicial Officer to dispense with the matters before him/her. That is case flow management, and a moment's reflection reveals that it is essentially the management of information flows [even if it is as basic as letting a

proposed witness or juror know that they are to be at a particular place at a particular date and time]. Each event in the case management process may be visualized as a node in the core process loop, and represents a point of information input, as well as a place where disconnects or delays may occur.

Unfortunately, many of these inputs are outside of our direct control or may reside in other stakeholders or agencies whose priorities will not accord with ours as they, understandably, view their core processes as being very different to the Judiciary's. Process service is a good example. How would any business respond to such a challenge? It would seek either to take responsibility for such mission-critical functions as it can and, where this is impossible, to manage the relationships with critical partners or suppliers to its best [and hopefully to mutual] advantage. Quite apart from the separate issues of independence that arise in the case of the Judiciary, that is and has always been sufficient justification, on the grounds of efficiency, for the maintenance of an efficient and professional Court Administration Unit, controlled by the Judiciary and residing close to the core processes with the unique understanding that that brings.

It is also the reason that we have focused on the nurturing of strategic partnerships in the recent past. An outstanding example of the success of this approach has been the new remand via video-conferencing pilot project that involved the prison and police services, the Bar, the Ministries of the Attorney General and Public Administration, and our technology service provider. At the suggestion of the Bar, we have also seen that the technology can be easily employed for bail applications. We need to help each other to help ourselves. Some of this was begun with the previous administration and I referred in last year's speech to some of the fruitful initiatives that had begun to develop. I want to acknowledge, in particular the efforts at comprehensive legislative reform undertaken by former Attorney General John Jeremie that had in some instances just

reached the stage of draft legislation before the May 24<sup>th</sup> general election. Many of these reforms will be critical in ensuring our capacity to cope with the pace and complexity of litigation, especially criminal litigation, that will be coming through the courts. He delivered on his promise to increase the complement of Judges in the Supreme Court, and that will be a big help.

I am also heartened by the expressed commitment of the new administration to the improvement of the administration of justice as a priority, and I look forward to the continuance and strengthening of the functional relationships we have developed with key Ministries, while respecting proper constitutional boundaries. Initial talks with the Executive have been positive, and I hope in the near future to see the establishment of permanent lines of communication at the highest policy level to ensure that efforts are coordinated efficiently and the Executive and Judicial arms of the State are not at cross purposes in our efforts to improve the administration of justice. Already, tangible steps are being taken to relieve the pressure on court buildings and spaces, and I am pleased to announce that the Attorney General has graciously offered and we have accepted the use of the Industrial Court building in San Fernando for use by the Supreme Court. We should be in a position to occupy shortly as the building has already been in use as a court and will not require major modification. Attention is also being focused on the legislative agenda and I look forward to the implementation of promised legislative reforms.

As is expected, I turn now to the issue of performance during the past year. One will readily appreciate from a perusal of the Annual Report, that disposal rates are only part of the picture. The time that matters take to transit the system is also of interest, as are any trends that might be discerned, as these also provide important information for management decisions. Much of what I now am to report has to be

understood, especially in relation to High Court Criminal Statistics, in relation to what I have said about external inputs affecting our ability to execute core processes and the external challenges posed by overburdened police, prison and social services. Among the existing environmental challenges we must also include:

- New Technologies
- Increased Filings
- Reduced National Income
- Customer Expectations
- Threats to the security of court officers, jurors and witnesses

## **STATISTICS**

### Court of Appeal

The statistics are best comprehended by dealing first with the big picture, then disaggregating the figures for the purpose of closer analysis. Inclusive of Family and Petty Civil Court appeals, there were 502 appeals filed last year and 448 appeals were disposed of. This represents a disposal/filing ratio of 0.89, well above the six-year average of 0.60. It has climbed steadily over the last six years from 0.43, although this year's increase is partly as a result of more dispositions and partly because of fewer filings

What this means, in effect, is that the backlog at this level is being steadily eroded. Of the 448 cases disposed of last year, 243 [or 54%] were filed within the year, and 77% were less than two years old.

Civil Appeals filed represented the largest slice of the Court of Appeal workload [52%]. The absolute numbers, however, declined from 314 in 2008-2009 to 269 in 2009-2010. A similar decline was observed in Magisterial Appeals, where filings fell from 265 to 213, continuing a steady downward trend over the past six years, even though 72% were disposed of within the same year they were filed. Given that the actual

number of dispositions has risen steadily over the same period and waiting times are reasonable, one is tempted to conclude that the level of customer satisfaction with the work of the trial courts has generally improved.

Of particular interest is the fact that the number of civil appeals disposed of this past year increased by 31%, and that I attribute to the increase in numbers on the Court of Appeal bench. The disposal figure for High Court Criminal Appeals increased from 29 to 34. This seems like a miniscule figure compared to the Civil Appeals, but only 19 such appeals were filed compared to 38 in the previous year.

#### High Court (Civil)

Filings were up 12%, from 4632 to 5565, while determinations remained static, rising by only 11 from 4968 to 4979. As a result, the determination/filing ratio, which had remained above 1.0 for the previous three years, slipped to 0.9. That is statistical confirmation of what we already know anecdotally, the workload has grown beyond the capacity of the current Bench, which is working very hard and stretched to breaking point, to physically cope. There are a number of strategies to address this situation, but before I speak about those I want to make the point that the situation is still far better than what pertained before the introduction of the new Civil Proceedings Rules (CPR). Of the CPR matters disposed of last year, 79% were less than two years old.

The improvements in timelines have been achieved in part by a strict application of the new rules that has encouraged a change in the litigation culture that in my respectful view is not yet complete. However, there are differences of opinion over the degree of hardship (and any justification therefore) that may have occurred in individual cases. I am not persuaded that any immediate shift in policy is required but I have heard the voices of those who differ. In my view,

any proposed changes in the Rules or their application would be better informed by a comprehensive review of their operation to see whether and to what extent stated objectives are being met and what weaknesses may be corrected. They have been in operation since September 2005, and five years seems a convenient time to undertake such a review as enough meaningful data should now be available. Accordingly, I will during the course of this term, honour a promise I gave to representatives of the Bar earlier this year, to commission such a review.

Having said that, it is now clear that the capacity of the trial Bench to conduct trials is stretched to the breaking point and ever-increasing delay will be the result if there is no timely and appropriate intervention. In addition to the recruitment of more judges, the main intervention strategy contemplated is the use of alternative dispute resolution mechanisms. It must be remembered that the CPR, as originally conceived, anticipated a much smaller percentage of matters actually reaching the stage of a trial. The case management process was designed to aggressively pursue earlier disposition wherever appropriate. Although the litigation culture has begun to move towards acceptance of this approach, the failure to bifurcate the management of cases has limited the ability of the Courts to fully employ case management powers and settlement skills, unlike some jurisdictions where Court-Annexed Mediation is a standard part of the civil process.

The time has come to give serious consideration to this, and we shall be initiating consultations with stakeholders, including, most importantly, the Bar, on the best way forward. Happily, we now have some empirical evidence of the possible impact of such a development. A six-month pilot program undertaken during this past term will conclude at the end of this month. Sixty matters were selected from the Judges' dockets for mediation with the consent of the parties. As

of the last interim report, 75% had been mediated with a 60% success rate. Some of those that were not resolved by mediation subsequently settled because issues had been narrowed, and greater clarity had been brought to the respective parties' interests. What was encouraging was the subjective experience of the participants, with 95% of them (including some whose matters had not been settled) reporting a positive experience, and confirming that they would do it again if they had a subsequent dispute. Permit me to quote some of the comments:

From an Attorney: *“Highly commendable, informative and quite refreshing when compared to court proceedings and the adversarial system – serves the client”*

From another Attorney: *“Very good in moving the parties from their respective positions to an interest based solution to the matter”*

From a Litigant: *“The mediator was quite professional. I truly think this was most helpful. The court should continue this project. Mediation should be the first step in any civil matter”*

From another Litigant: *“The mediator did his best to help us and we are grateful and would recommend mediation services first before going to court”*

And finally from a mediator: *“What started as an antagonistic situation ended with the disputants wanting to renew relationships and to attempt to settle disputes. The process was quite difficult for a long time but after caucusing and meeting with*

*the attorney the final session was very encouraging”*

Clearly there is real potential here for reducing the trial load on the courts. The cost of the mediations has been kept under \$10,000 and, while evaluation of the overall cost-effectiveness must await the final report, the signs are encouraging. I believe a larger and more detailed pilot study would permit us to refine the protocols and work out with the Bar the best way forward. We must complete the culture shift. The fact is that lawyers coming out of the law schools now are trained in Alternative Dispute Resolution (ADR) because of the adoption of the new Rules and in the future, ADR can be expected to be a feature of most law practices.

In addition to this, we will proceed this year with a settlement conferencing pilot project, in conjunction with volunteers from the Bar to examine whether a significant number of matters which have either not been mediated or have been unsuccessfully mediated can be resolved without a trial. Settlement conferencing is a more robust form of case management, usually undertaken at a stage where legal and evidential issues are clearly defined and a legally qualified expert gives a provisional view on the likely outcome so that parties can realistically weigh the risk and cost of further litigation and try to arrive at a settlement they can live with. We are confident that these initiatives will go a long way towards relieving the pressure on the trial bench, ensuring better judgments when it does become necessary to write one, and improving disposition times while fulfilling the objectives of the new rules.

#### High Court (Criminal)

The picture here is not very encouraging. There was a 14% increase in indictments filed when compared with 2008-2009. The number of capital matters in the High Court declined even as the numbers in the

Magistrates' Courts for preliminary inquiries continue to increase. The number of matters disposed of fell by 30%. Clearance ratios have also declined in the past year from 0.87 to 0.53, and acquittals accounted for the largest share of dispositions 40%, followed by discontinued matters (i.e. charges dropped). The causes of this morass are many and include:

- An overburdened DPP's department
- Deficiencies investigation and presentation of evidence
- Overburdened forensic science facilities resulting in delays
- Interference with witnesses and/or jurors resulting in aborted trials or perverted verdicts
- More lengthy and complex trials
- A shortage of defence lawyers
- Retention of Preliminary Inquiries

Steps are being taken to address most of these issues but it is clear that the problem is multifaceted and there is no single 'magic bullet' solution. Before referring to some of these steps, I must therefore caution against the raising of unrealistic expectations and urge a balanced and patient approach. In particular, I wish to say something about the death penalty from a utilitarian point of view, without seeking to enter into the philosophical debate. Let me make it clear that the death penalty is part of the law of Trinidad and Tobago, and its retention or abolition is a matter for the Parliament. As long as it remains the law, the courts will respect, interpret and apply the law as it is our duty so to do. Indeed the courts are often called on to go to extraordinary lengths at odd hours so as to ensure the legal mechanisms to which every prisoner is entitled are made available in a timely manner. However, Constitutional and Judicial Review applications are also a part of our law and an inevitable component of every death penalty case, with the result that it takes at least three trips to the Privy Council and the expenditure of enormous time, financial and other resources to facilitate an execution. It almost

never happens. As important as they are, capital matters are only a subset of the criminal matters before the courts, and I am convinced that the problem generally is the low detection, prosecution and conviction rate. I am yet to see any persuasive empirical evidence that executions significantly reduce murder or crime rates generally. Undoubtedly it will deter some, and some will argue that there are other philosophical justifications for application of the death penalty. But such evidence as the social scientists have been able to glean suggests that the certainty of conviction, and within a reasonably quick time, is a more potent factor.

It is not for the Courts to dictate on matters of legislative policy. My purpose is to remind us that executions are not a panacea for what ails the society, and we cannot delay or skimp on the provision of resources for other systemic interventions in the hope that we can frighten people into behaving properly. This is not by any means to suggest that nothing else is being done. A number of legislative reforms are now, I am told, being pursued with vigour. These include Bills currently before Parliament to extend the period of remand between appearances, and to restrict the right to bail in certain circumstances, and to facilitate the use of recorded evidence. Other measures under review would permit trial without juries and the exclusion of particular persons from court where there is credible evidence of actual or prospective jury tampering.

I have also been assured that attention will be given to legislation previously proposed for the elimination of preliminary inquiries and to facilitate implementation of the DNA Act 2007. May I also take this opportunity to reiterate the appeal for magistrates to be relieved of the burden of liquor licensing and traffic ticket matters.

It is now clear that the old days of defence by ambush are over. We cannot exist like that anymore. We must now establish a Criminal

Case Management Rules regime that would permit proper identification and streamlining of issues and evidence, the disposition of legal challenges by pre-trial motion and the discouraging of unnecessary and prolix cross-examination. Control by the court of its own process is not antithetical to an adversarial system. Again the judges have taken the initiative and have just completed a set of draft rules that will be offered for comment and possible adoption. We do appreciate that this is a matter that involves the Bar, the Rules Committee, and those responsible for legislative reform, but we thought it would be helpful to do the groundwork and provide a framework for moving this matter forward quickly.

#### The Family Court

This continues to be a success story and the workload continues to grow as a result. 8175 matters were filed between August 2009 and July 2010. I encourage you to take time to look at the way in which the Family Court statistics are reported in our Annual Report, as it represents the direction in which the Judiciary as a whole is moving in terms of our commitment to transparency and accountability, as well as developing tools for more effective management. Performance standards have been identified in key areas that include Access to Justice, Timeliness, Equality and Fairness, Independence and Accountability and Public Trust and Confidence. If I might focus for just a short while on one key performance measure, expedition and timeliness, you will see why the lessons learned during the exercise of process reengineering, ICT customization and reconfiguration of management and statistical reporting systems during this lengthy pilot can benefit the judiciary as a whole.

During 2009-2010, the median time for determination of High Court matters filed was 14 weeks and 95% of matters were determined within 28 weeks. For Magisterial matters, the median time to determination was seven weeks with the 95<sup>th</sup> percentile at 31 weeks. A

total of 4270 matters were determined. I therefore welcome the expressed commitment of the executive to ensure that the nationwide roll-out of the Family Court becomes a reality as soon as possible, and note the provision in this year's budget for the completion of the acquisition of premises in San Fernando as an immediate step in that direction. While I am on the subject of the budgetary allocations, I should inform you that we have received a 3.5% increase in recurrent allocations this year, which keeps us a bit behind the inflationary rise in the cost of goods and services. With regard to our development program, we did not receive what we asked for, but \$89.25M represents more than twice last year's allocation and we will work with that.

#### The Magistracy

New filings in the Magistrates' Courts remain high, dropping marginally from 90,437 matters in 2008-2009 to 89,416 in 2009-2010. Disposition rates have improved growing from 79,226 in 2008-2009 to 88,907 this past year. St George West continues to deal with the lion's share of matters, but Arima, with only three magistrates, handles more than its proportionate share of matters, running second in total with a disposal to filing ratio of 1.51, far outstripping any other court. The increased workload in Arima reflects the population concentrations along the East-West corridor that have developed over the years, and relieving the pressure in this area is now a very high priority. I would like to thank the Judicial Officers and staff for their contribution. Efforts will be redoubled to provide more amenable spaces for the conduct of the Court's business.

It is in this context that we also welcome the recent announcement by the Executive about acquisitions to facilitate the building of a Judicial Complex in Arima and a new Magistrates' Court in Sangre Grande. This is a tremendous fillip to the priority we will be giving in the year ahead and even beyond, to developing and improving our Court

building infrastructure. Our progress and further plans in this area are detailed in the Annual Report, suffice it to say that it is our intention to provide purpose-built Court facilities and an environment that is safe and secure for both staff and customers.

Complementing this building plant modernization during the upcoming year will be more widespread application of the latest information and communication technologies, as we continue to develop robust judiciary information systems as part of judicial transformation. You will recall that I have described the case flow management process as being essentially the management of information flows. The benefits to our stakeholders range from speedier access to and transmittal of information to all parties utilizing the court system, to reducing costs of providing criminal justice services.

#### The Caribbean Court of Justice

Before turning to my final remarks, I feel constrained to say something about a matter that is attracting a lot of comment in recent times, much of it uninformed. After 48 years of supposed independence, it astonishes me that there is even a debate about whether the Caribbean Court of Justice – the CCJ - should be our final Appellate Court. If we have the moral and intellectual capacity to run our own countries in the region, why can we not judge ourselves? This region has produced many intellectual giants including world-class legal luminaries who sit on international courts, so the notion that somehow we will receive a superior form of justice from London bespeaks a self-doubt and an unwillingness to take responsibility for our jurisprudential self-determination. The irony is that, when we have had the courage to do so and to articulate our position, the Privy Council acknowledges that local judges are best placed to understand the context in which laws and regulations are passed and should be

applied. Take, for example, this passage from the judgment of the Privy Council in **Bernard v Seebalack** delivered in July of this year:

*“In interpreting Part 20.1(3), the Board has had regard to the litigation context in which the Rules Committee drafted the CPR...But it is clear from remarks such as those of Jamadar JA that rules such as that in Part 20.1(3) were drafted in an attempt to introduce more discipline into the conduct of civil litigation and defeat the endemic laissez-faire attitude to it. The Board considers that it would be wrong for it to adopt an interpretation to the rules which would undermine the attempts made by the Rules Committee (supported by the Court of Appeal) to improve the efficiency of civil litigation in Trinidad and Tobago”*

The point here is that even though the Board may have been minded to disagree with the Court of Appeal, it conceded that those with an intimate knowledge of context were best placed to exercise judgment. That debunks the notion that somehow we get a more ‘objective’ justice from those far removed from the local milieu. Judging is not an exercise conducted in the abstract. History, cultural norms, intent and policy all inform the process. Take, for example, the law of provocation. Should English precedent or understanding of social behaviour dictate, whether, as a matter of policy, bouncing or stepping on someone’s foot in a carnival fete could amount to provocation. Or can the use of force to resist a robbery or home intrusion ever amount to provocation, and if so, when? These are real questions that we have to grapple with and surely English judges are challenged in understanding our behaviour (and the threats and fears we face) in their societal context.

There is a view in many circles that the development of the criminal law in areas like provocation and good character may have been unduly influenced by a particular philosophical stance on the death penalty. But it is not only in the criminal arena that context is

important. What about land use and occupation? Unlike England, we are not a people of fences and hedges. How do we define adverse possession without an understanding of how our cultural and behavioral norms?

And there are real economic considerations as well that limit access to justice for ordinary citizens. If one has to take a matter to the Privy Council, you have to hire fresh Solicitors in London then pay business class fare and hotel accommodation for Counsel on top of the fees for the work that Counsel is undertaking. I am the Chief Justice, and God help me if someone took me to the Privy Council [I put it that way because I certainly wouldn't contemplate going of my own volition, I simply cannot afford it].

And now they are using their Court of Appeal Judges on some of our matters! If you will pardon the cricketing analogy, it looks as though the test side is not necessary to deal with us any more so they could send the 'B' team. This accords with my own observations as I read the guidance we are given and those of some Counsel who frequently appear before them that less importance appears to be attached to our appeals. This is hardly surprising given the fact that the senior Law Lord has publicly speculated whether the English tax payer might not have reason to feel aggrieved that he is subsidizing the appellate system of countries in which he has no interest and to which he feels no attachment. Do we have to await the final humiliation of being asked to leave? I lay no blame at the feet of the Law Lords, many of whom have given dedicated and professional service to this jurisdiction, but they are entitled to ask the question and there is no reason, from their point of view why we ought to be a priority, despite the expressed commitment to continue providing the service as long as we ask for it. At the end of the day, we have no control over what a subsequent British government may do.

We have, located in this jurisdiction, the Caribbean Court of Justice, comprising some of our best legal minds. We already subscribe to it by reason of our obligations under the Revised Treaty of Chaguaramas. Contrary to some perceptions conveyed in the media, it is not a big drain on our resources. The running expenses of the Court are paid out of the income from a trust fund that was established several years ago. It is already paid for! Accessing the appellate jurisdiction will not cost us any more and it will certainly be more affordable for litigants.

What is more, the procedures for the appointment of its Judges and the financing of the CCJ are being studied and hailed internationally as models for assuring judicial independence. Those who resist the adoption of the CCJ as our final appellate Court owe us better explanations than the ones that have been proffered thus far.

## **TRANSITIONS**

Before I bring this address to a close, I must acknowledge with thanks the contributions of some who have left us this year and a couple who will have left before the beginning of the next term. First I would like to pay tribute to those who have passed on. It is tragic but true, that in a family of this size, a year seldom passes without the loss of someone whom we hold dear. So it is with sadness that I recall the passing of our retired brother Justice George Collymore who demitted office in 1986 after many years of distinguished public service. We extend our deepest sympathies to his family. I do not wish to sully this tribute by references to money, but it would be a travesty indeed if the state were to allow another of our brothers or sisters to slip away without addressing the plight of the retired judges. We also extend our condolences to the family of Kathleen Rajnauth, one of our Facilitators, who left us suddenly in May. She served with us for a total of 47 years and was liked and respected by all.

During the coming year, we will also wish Godspeed and thankfully not goodbye to two retiring judges. Justice Carlton Best has served the Judiciary in various capacities for some 33 years, as Assistant Registrar, then Registrar of the Supreme Court, then as Administrative Secretary to the Chief Justice, then Master and most recently as a Puisne Judge. He is a model of judicial temperament and dedication and has more than earned his break. He demits office next month and we wish him a long and productive retirement and good health. Similar wishes also go to Madame Justice Amrika Tiwarie-Reddy who retires in early 2011. She has had a long and distinguished career as a barrister and in government before joining the bench in May of 1999. We thank them both for their contributions. I also wish to acknowledge the contribution of Justice Herbert Volney who opted to retire from the Bench earlier this year. We thank Mr Volney for his service to the Administration of Justice as a Judge of the Supreme Court of Trinidad and Tobago since 1994, and we wish him all success in his new pursuits.

On a more positive note, I am pleased to announce that the Judicial and Legal Service Commission has recommended to His Excellency the President that Acting Justices Allyson Ramkerrysingh, Robin Mohammed and Devindra Rampersad be granted permanent appointments. They will be receiving their instruments of appointment tomorrow, but I do not think it is inappropriate to offer congratulations at this stage. Four other permanent appointments will be made to the High Court Bench within the next six weeks and you may expect formal announcements in due course.

Congratulations are also in order for Ms. Michelle Austin who formally assumed the position of Court Executive Administrator and to her successor as Administrative Secretary to the Chief Justice, Ms. Sherlanne Pierre, who has now moved to that office from the post of Assistant Registrar. I also extend congratulations to Ms. Marcia

Ayers-Caesar who will assume office as Chief Magistrate next Monday. Let me at the same time publicly thank Mr. Mark Wellington, Acting Chief Magistrate, for his valuable contributions during his extended stint as Acting Chief Magistrate, which was occasioned by the illness of Mr. Sherman McNichols who has since proceeded on pre-retirement leave. Mr. McNichols retires in December after almost three decades with the Judiciary, and our prayers go out to him for improved health, along with our thanks and deepest appreciation for his very long and dedicated service, especially during a period which saw tremendous strides in the reform of the Magistracy. I also wish to welcome three Magistrates who have joined us during the last term: Mr Nizam Khan, Mr Indar Jagroo, and more recently, Ms Rihanna Hosein.

## **CONCLUSION**

Finally I would like to close this address by saying thanks to all those who have made 2009-2010 a successful year, despite the many challenges and some set-backs that we have faced. I have the honour to lead an institution populated by an extraordinarily talented and dedicated staff. For the most part when called upon, and some times without being asked, Judicial officers as well as administrative and support staff are always willing to go the extra mile to ensure that our customers are serviced. I know that everything is not yet as we wish it to be, we are getting there. But along the way I have often made severe demands as I challenge them to embrace and create the new high performance professional judiciary. They continue to rise to the task. Thank you for your support. Many thanks as well to those who have made today the very special occasion that it has been, our host for the church service the Very Reverend Dean Colin Sampson, Representatives of the Inter Religious Organisation, Dr. Pat Bishop for her very inspirational address, the Jeunes Agape choir, our soloist, Mr Keylon Whitlock, the Defence Force for their usual impressive display, the MTS staff and, of course, our own judiciary family. And to you ladies and gentlemen who have given of your time to share this

occasion with us both here in the Hall of Justice and, via the national media, wherever you were able to witness the live broadcast. I thank you for your presence and the courtesy of your kind attention. May God Bless our nation. This Court now stands adjourned.