

**INTRODUCTION of the
Rt. Hon. Michael de la Bastide T.C., Q.C., P.C., President of the
Caribbean Court of Justice by Sir David A.C. Simmons K.A., B.C.H.,
Chief Justice of Barbados, on the occasion of the Inauguration of the
Caribbean Court of Justice, Queen's Hall, Port-of-Spain,
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At our recent conference of Chief Justices and Heads of Judiciary of CARICOM jurisdictions in the Bahamas, my colleagues assigned me the task of introducing to you the first President of the Caribbean Court of Justice, the Rt. Hon. Michael Anthony de la Bastide. I conceive this assignment as both a public privilege and a private pleasure. It is a public privilege for which I am thankful, because for 10 years I have been intimately involved in laying the infrastructure and preparing the way for today's historic ceremony. But with the greatest humility, I have to admit that I do feel a sense of deep satisfaction and immense relief that finally, the dreams, vision and work of so many Caribbean persons, dead and alive, have been realized.

I say that it is a private pleasure because since 1979 when I first met Michael de la Bastide as his junior in an important case in Barbados, I have followed and admired his distinguished career in the law. Few lawyers in this region who are aware of his career will dispute my assessment of Michael de la Bastide as one of the greatest Caribbean lawyers of the last 40 years.

In his days at the Bar he excelled as an outstanding advocate, particularly devastating in cross-examination but one whose overwhelming strength lay in his resourcefulness, his reasoning and the persuasiveness of argument by which he tried to bring the court around to his client's case. As Chief Justice of Trinidad and Tobago, the range and acuity of his mind, writ large in his judgments, marked him out as an intellectual giant in the law and earned him the respect of his judicial colleagues and the legal profession alike.

His appointment to the office of President of the CCJ by our Heads of Government last July, is his crowning achievement as a lawyer. I know that his elevation to the Presidency of the CCJ is a source of

great pride to his wife Simone and his 5 children. The family has provided the understanding, love and emotional support so necessary in the reclusive existence of a judge.

Preparation for a remarkable and distinguished career began right here in Port-of-Spain. The St. Mary's College was the secondary school that first nurtured and, in due course, gave expression to an innate scholarship. It was as a student of that school that he won the highly prestigious and much-coveted Trinidad and Tobago Open Scholarship in 1954. His subjects were Latin, Greek and French. But he was not destined to be a linguist. Many of my vintage will readily identify with the curricula of secondary schools in the colonial Caribbean in which Latin and Greek were core subjects for young boys desirous of careers in the teaching profession, the civil service or the law. Michael chose the law.

The Open Scholarship which he won gained him admission to Christ Church College, Oxford in 1956 to read law. Academic distinction, first evident at St. Mary's, followed almost naturally at Oxford. In the B.A. (Jurisprudence) examinations of 1959, he was awarded First Class Honours. A year later he got another First in his post-graduate degree, the B.C.L. (Bachelor of Civil Law). Still more success and distinction attended him. In the Bar Finals of 1960, his Inn of Court, Gray's Inn, awarded him two scholarships for his performance in those exams. He was *primus inter pares* of all Gray's Inn students who wrote those exams. He was called to the English Bar on 7 February 1961. Unsurprisingly, he is a Fellow of his former College at Oxford and an Honorary Bencher of Gray's Inn.

On his return to Trinidad and Tobago in November 1961, after a short spell in the Legal Service of Trinidad and Tobago, he went into private practice in the Chambers of the late Malcolm Butt Q.C. He was in private practice for 32 years. Along the way he was appointed Queen's Counsel in 1975 and served as first President of the Law Association of Trinidad and Tobago for 3 years (1987-90). When he was appointed as Chief Justice of Trinidad and Tobago on 31 May 1995, he retired from private practice as senior partner in the firm of de la Bastide and Jacelon. What a tragedy that his long-standing

friend and partner, Tony Jacelon, could not have lived long enough to witness today's event. He died earlier this week.

Michael's years at the Bar exposed him to the world of business where he served as a director of many large corporations in this Republic and his services as a corporate and commercial lawyer were in great demand. His practice was vast; and, as you may guess, it was a very, very, lucrative practice. His reputation as a highly skilled lawyer, fiercely independent of mind and spirit, ensured that, inevitably, he would be called upon to render public service to his country. He was a member of the two Commissions that were established to review the Constitution of Trinidad and Tobago and from 1976-81 he was a member of the Senate. Such public service can be important training and experience for a judicial career.

It was a great House of Lords judge, Lord Reid, who observed perceptively in 1972:

"If the law is to keep in step with movements of public opinion then judges must know how ordinary people of all grades of society think and live. You cannot get that from books or courses of study. You must have mixed with all kinds of people and got to know them...That is why it is so valuable for a judge to have given public service of some kind in his early days."

Lord Reid had of course been Shadow Attorney-General for the Conservative Party in the House of Commons when he was suddenly plucked from the Opposition benches and appointed to the House of Lords by the then Labour Party Prime Minister, Clement Atlee.

When Michael de la Bastide was appointed Chief Justice of Trinidad and Tobago, he came with a large forensic reputation and wide community experience but no previous judicial experience. A former Attorney-General of Australia, in a discussion paper in 1993, suggested that there are 10 criteria for judicial appointment: legal skills, personal qualities, advocacy skills, practicality and

commonsense, vision, oral and written communication skills, capability to uphold the rule of law, independence, administrative skills and efficiency. I would add, personal integrity and decisiveness. Michael de la Bastide brought to judicial office all of those attributes and more.

To the Office of Chief Justice, he also brought a reforming zeal. He undertook projects to reduce backlog; he introduced proposals to reform civil procedure with a view to providing for caseload management and increasing access to justice; he started a culture of continuing legal education and training for the judiciary and he instituted an annual judicial retreat in 1998 as a focal point for continuing legal education and training and to promote an atmosphere of judicial collegiality.

Among his judicial colleagues in Trinidad and Tobago he was seen and respected as a leader and as a colleague. Among the legal profession he was equally respected for his integrity, his intellectual power and the content of his reforms. Among the people of Trinidad and Tobago he is admired for his courage and his stubborn defence of the independence of the judiciary. Defence of that vital principle of democratic governance did bring him into conflict with the Executive. But that should not be a matter of any concern. It was the defence of a worthy cause; it was the defence of a fundamental principle. In any event, it is only the naïve who will not appreciate that there will, from time to time, be tensions between the Executive and the Judiciary. What is required to reduce tension is a full appreciation of the subtle nuances subsumed within the principle.

Michael de la Bastide's perspectives have not been narrow or insular. In 1998 he conceptualized and organized the first Conference of regional Chief Justices and Heads of Judiciary of CARICOM jurisdictions. We have met annually ever since then to share experiences and to discuss problems and their solution. But perhaps the President's regional commitment is best exemplified in 1995 when he delivered the Anthony Bland Memorial Lecture at the Faculty of Law of the University of the West Indies. In that lecture he campaigned for the establishment of an indigenous final appellate

court for this region – the very institution which he now heads and which we are inaugurating today. In a memorable phrase, he saw the necessity for such an institution “to complete our independence”. That independence, if I may say so, is both legal independence and psychological independence.

Now lest you think that the man of whom I speak is some kind of legal automaton whose only focus is law books and law reports, let me hasten to dispel any misconceptions. Our President is, to use a cricketing metaphor, an “all-rounder”. And I do not simply mean that he was Vice President of Queen’s Park Cricket Club for 10 years! In his more youthful days he was a high-class tennis player. He represented both his University and his country at hockey and participated in the Pan American Games in 1971 in Colombia. Add to that, an international Bridge player for Trinidad and Tobago for 15 years and you begin to appreciate the accuracy of my cricketing metaphor. And, of course, as a Trinidadian, he was a regular player of MAS’ at Carnival. As Lord Reid said, “*You must have mixed with all kinds of people and got to know them*”.

No wonder then, that his judgments reveal a perception of the commerce of daily life underlying an issue. They are infused with a profundity of legal learning and scholarship but interlarded with much commonsense and an appreciation of his society. They are manifestations of well-organised mental furniture. His career speaks for itself and surely the best testament of Michael’s judicial standing is his appointment last year to the Judicial Committee of the Privy Council. It is noteworthy that in the past 2 months, his formulation of the applicable legal principles in two appeals has received judicial approbation in the Privy Council – see *Teeluck and John v. The State* (unreported 23 March 2005) and *Attorney-General of Trinidad and Tobago v. Ramanoop* (unreported 23 March 2005).

I suggest to you that the people of this region, on whose behalf and in whose interests the Caribbean Court of Justice exists, can feel confident in the leadership which Michael de la Bastide will give this Court. We should expect this Court, as the adjudicator of disputes arising under the Revised Treaty of Chaguaramas, to steer us well in

the uncharted waters of a Single Market and Economy. Equally, and beginning with the de la Bastide presidency, I am also confident that, in due season, this Court will make its own unique contribution to the development of the common law, adding a Caribbean flavour to the common law just as the High Court of Australia, the Supreme Courts of Canada and India, and the Constitutional Court of South Africa have made their special contributions to the common law.

In moments of quiet reflection we should remember that after reception of the game of cricket in this region from its country of origin, our cricketers wrought a global transformation of the game in the second half of the last century and left a lasting legacy by the imperious imposition of an unique, exciting Caribbean flair and culture upon the traditional game. Cricketing excellence was forged on an anvil of self-confidence, self-respect and self-definition. The boundaries of justification for the CCJ embrace all three of those virtues.

I now have much pleasure in inviting President Michael de la Bastide to "advance to be recognised".
