



Graduation Address to the Hugh Wooding Law School

The Honourable Mr Justice Winston
Anderson, Judge of the Caribbean Court
of Justice

The Hugh Wooding Law School Graduation

The University of the West Indies St Augustine Campus
6 October 2018

Named for Trinidad and Tobago jurist and politician Hugh Wooding, HWLS is one of three law schools empowered by the (Caribbean) Council of Legal Education to award Legal Education Certificates, along with the Norman Manley Law School in Jamaica and the Eugene Dupuch Law School in the Bahamas. It opened its doors to students in September 1973. In its early years, it was marked by a scandal when eight out of its ten tutors and lecturers resigned in protest over a student from the Trinidadian Police Service (TPPS) who failed his examinations but was not asked to discontinue his studies. In 1996, the Council of Legal Education made the controversial decision to require LLB graduates from the University of Guyana to take an entrance examination for admission to HWLS.

Address

By

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on the occasion of

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Chief Justice, Hon. Ivor Archie and other members of the judiciary; Chairman of the Council of Legal Education, Mr Reginald Armour, SC; Members of the Council of Legal Education; Principals of the Council's Law Schools, especially Principal Samaroo and Faculty of the Hugh Wooding Law School; Distinguished Guests; Honoured Graduates; Family Members and Friends.

Good evening and thank you for including me in this wonderful day of celebration. I am honoured to be here, and as a former academic, I am thrilled to be back in my natural habitat. It is true that I have now fully settled into my role as a Judge on the Court, but it was difficult for the first couple of years. I once caught myself in the dentist chair thinking of telling him: "Pull out my tooth, the whole tooth and nothing but the tooth."

I wish first to congratulate the Council of Legal Education. The CLE has been one of the most enduring of our regional institutions. In the near fifty years of its existence, the Council has conscientiously discharged its responsibility to provide practical professional training for persons seeking to become members of the legal profession. The Council has launched the careers of thousands of Attorneys-at-Law, including those of our youngest and brightest graduating today. Thank you for a job well done!!

I wish also to congratulate the families and supporters of today's graduates. As a father of a recent graduate, I empathize with your struggles – emotional and financial - over the past two years. In fact, as we know, the struggles go back much further. Today, as each graduate walked across this stage, I know from experience that their success is a shared success. Shared with both parents, or with a single mom, or with a single dad, or with faithful guardians, or generous relatives. I know you are bursting with pride. I feel you. I – and our graduates – heartily thank you.

And last, but of course, not least, I extend warmest congratulations to the most important group today, the graduates. Today is a special day in your life and one you will never forget. Today marks the end of a 5-year long journey: end of studentship at the law faculty and law school; the end (subject to what I will say later) of compulsory attendance at lectures and seminars and tutorials; the official transition of learning to earning. But for a technicality yet to be observed in the Hall of Justice, (or a similar place), today marks the day you enter the noble profession of the law. You are, for all intents and purposes, a lawyer!

Congratulations and welcome to the profession!!!

I promised not to stand for too long between you and your plans for the evening. For just a few minutes I'd like to speak with you about the importance of becoming a lawyer. It pains me to say that lawyers in our region are often painted with a negative brush. Many in the general populace support the view that lawyers are unscrupulous, rip off their clients, betray the trust of their clients, and are lazy and unprofessional.

There are undoubtedly bad apples in the legal profession, but the widespread scepticism is unwarranted. And where does this scepticism about lawyers come from? It is quite ancient -

lawyer bashing goes back to the Middle Ages and the utterance of Shakespeare's Henry VI character Dick when he said: "[T]he first we do, let's kill all the lawyers." Never mind that the context in which those words were uttered was a treacherous plot to overthrow the king and therefore the need to first get rid of the guardians of the law.

The practice of lawyer bashing runs from Shakespeare to the present day. You surely would have heard of the proverbial reference to American lawyers as ambulance chasers. A variant of this theme is that most American lawyers get hurt in a road accident when an ambulance backs up suddenly. Not even the mild-mannered Canadians have been spared. It has been said that the last Canadian winter was so cold that even the lawyers had their hands in their own pockets!

These observations may or may not be funny. But they are almost always capable of putting a young attorney on the defensive. So, I'd like to offer a kind of booster shot or inoculation against every relative, classmate from University, or taxi driver who gives you a hard time about being a lawyer.

Don't ever forget that our constitutions recognize the unique importance of law and lawyers. In the case of the Constitution of Trinidad and Tobago, the third recital to the Preamble recognises that "men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law."

The rule of law means that no one is above the law; everyone is subject to the law; everyone is equal before the law. Upholding the rule of law is the *raison d'etre* of the legal profession, your profession.

Don't ever forget that lawyers have a unique responsibility for ensuring that the Rule of Law prevails. Ours is the only profession to whom the Constitution has dedicated an entire branch of government - the Judiciary: The Supreme Court, The Court of Appeal, and the final appellate court.

As a rule, only lawyers can represent others before our courts. This is a distinct privilege. Lawyers administer the law. And there aren't many areas of our lives that are not covered by the law because the law is about relationships; our relationships with each other:

A tenant's relationship to a landlord;

An employer's relationship to an employee;

The state's relationship to the citizen;

The state's relationship with other states.

Why is regulating these relationships so important? Because that is the route to justice and peace and prosperity. If we don't have and enforce rules in society by which we relate to each other then things tend to fall apart; we have chaos; the rule of the jungle. Without rules, our society becomes an unhappy place in which to live and in which no foreign would wish to invest.

Since gaining our independence and our constitutions, beginning in the 1960s, there has been a mass outward migration of Caribbean persons to the so-called "developed" world. Between the 1960s and 2014, over 4 million Caribbean persons migrated to the United States, alone. There is sometimes a sense of entitlement to relocate, whether legally or illegally. There is the well-known story of a Jamaican woman arriving at JFK. When asked by the immigration

officer why she was desiring to enter the United States, she replied without hesitation: "Well, you Americans are always saying that Jamaica is your backyard. I'm here to see what my front yard looks like."

Two weeks ago, I found myself in Washington, jogging the streets that connect Congress and the White House, the Lincoln Memorial and the Washington Monument. I was hugely impressed by the inscriptions on display. On approaching Congress, an edifice on the left thundered the words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

And, as if in answer, across the road, near the FBI Headquarters Building, is articulated the simple challenge: "Vigilance is the eternal price of freedom."

And it dawned on me at that moment, that equal to, or perhaps even above the opportunity to find a job, many Caribbean immigrants to the US thirst to live in a society which – at least outwardly – strives for law and order, and the respect for the Rule of Law. Where the levels of crime and corruption are at least tolerable. Our legal profession has the responsibility and the privilege to ensure that our Caribbean society becomes just as attractive a place to live, work, and pursue one's goals and interests in life as anywhere else in the world.

Young lawyers, like yourselves, must put their energy, knowledge and skill into making a difference; into making sure that justice and fairness prevail; that the Rule of Law is upheld in our society.

How do you go about making that difference?

First and foremost, never forget your Code. Prior to your formal induction into the profession, you will be required to subscribe to a Code Ethics that spells out your responsibility to the State and the Public, to Clients, the Courts and the Administration of Justice, to fellow Attorneys. However, it is no accident that the first substantive provision in The Legal Profession Code of Ethics of Barbados concerns the responsibility of lawyers to the profession and to themselves. Section 5 states:

"(1) An attorney-at-law whether in practice or not shall uphold at all times the standards set out in this Code.

(2) An attorney-at-law shall maintain his integrity and the honour and dignity of the legal profession and of his own standing as a member of it and shall encourage other attorneys-at-law to act similarly both in the practice of his profession and in his private life and shall refrain from conduct which is detrimental to the profession or which may tend to discredit it."

From a negative perspective, a breach of some parts of the Code may, and a breach of other parts of the Code shall constitute professional misconduct. I prefer to take a positive perspective. Your adherence to the Code is the surest way of making a positive contribution to advancing the Rule of Law. Adherence to its principles will ensure your honesty, integrity, professionalism, and diligence. So, study the Code (even though you have passed the Ethics exam!), keep a copy close to hand (perhaps on your bedside table), make it your creed. It is your word of honour. Live by it. This one simple step can ensure your success in the profession.

I know that not everyone receiving the legal education certificate today will ultimately have a career as a practising lawyer. Some will find themselves drawn (or pushed) to the other

types of employment in the public sector, or to the business world, or the world of academia and research, or the world of the arts. Whatever your path, you will be able to make good use of the analytical and problem-solving skills that you have acquired in your legal studies. And whatever path you take, remember that the code of principles you accept today becomes part of your life forever – whether you remain a practising lawyer or not. For the rest of your days, you and your actions will be judged in this light – i.e., the light of your education and your status as a member of this profession.

Second, remember that the entire Caribbean is your society. The founders of the Caribbean Community have given you certain legal entitlements in the Revised Treaty of Chaguaramas. As a citizen of the Community, you have a right to travel and stay up to six months in any member state: see the case of *Shanique Myrie v Barbados*. As a University graduate, you have a right of free movement among Member States to seek employment. As an Attorney-at-Law, you have a right to provide legal services, both cross-border and from an establishment in a Member State other than your own.

Your country might seemingly be saturated with lawyers. Others in the Community are woefully short of lawyers – so woefully short that they are proposing to establish their own law schools to train nationals. View the entire Caribbean as your workspace. An aspect of the genius of the RTC is that it allows the reallocation of talents and skills from areas where there is an overabundance to areas of greatest need. Make use of your entitlements. You may be pleasantly surprised at the opportunities presented. And if you have any problems enforcing your rights under the RTC, then come see me.

Thirdly, dedicate yourself to a lifetime of legal learning. As *Desiderata* puts it: "keep interested in your career..." In a sense, it is true that lawyers are always practising because

they are not perfect. The state of perfect understanding and command does not exist because the law is constantly changing, constantly in flux. Traditional areas of the law have evolved. Criminal law is no longer confined to murder, theft, rape and similar offences but now extends to cross-border offences such as human trafficking and cyberspace crimes. Family law now extends to issues regarding surrogacy, same-sex marriages, and the rights of the child. The development of the Caribbean society requires that we be on the cutting edge of the law governing the sea, oil and gas, intellectual property, financial services, protection of the environment, international relations, among so many others. Perhaps most importantly, lawyers need to constantly examine the law itself to make sure that it serves the best interest of the society. Sir Hugh Wooding, for whom this respected law school is named, when speaking at the ceremonial opening of the Legal Year in 1963, said, "To my mind, the intent and meaning of the Law are precisely that of disciplined endeavour in the cause of social justice. What do we do about it? Do we merely practice our profession, or do we set about informing ourselves of the law's inadequacies so that, armed with knowledge, we may give an impetus to social reform? Put another way, I would phrase it in this wise – that our purpose should not be limited to administering the laws justly but should extend to seeing that the laws are just."

The CCJ Academy for Law, of which I have the pleasure to be chairman, is working with the CLE to encourage our Bar Associations to embrace this critical concept of continuing legal education. Already it is compulsory in Jamaica. The Legal Profession Act in that country was amended in 2012 to require that, "as a condition of the issuing of a practising certification to an attorney-at-law, the General Legal Council must be satisfied that the attorney has complied with prescribed requirements for continuing legal professional development."

The CCJ Academy will host its Fifth Biennial Conference this December in Kingston Jamaica jointly with the General Legal Council, to allow Jamaican attorneys to fulfil these requirements prescribed pursuant to the Act. The theme of the conference will be: "The Future of Legal Practice in the Caribbean – Catalyst for Success" and, of course, you are all invited to attend.

Fourth and finally, stay humble and grateful. Remember those who have been good to you, without whom this day would not have been possible. Thank them repeatedly, and not just on this day. And to the extent that you can, and when you can, pay it forward. You have been given an opportunity to study and practice law. You have been entrusted with the wonderful task of helping people every day and of helping everyday people. This is an awesome privilege.

In many points in your career, you will become the single most important person in the life of another human being. You may have to ensure that: the will of a dying man accurately reflects his wishes for the disposition of his property; or a life insurance policy is paid so that children beneficiaries will not become destitute; or a contract is honoured so that a business doesn't go under; or a woman is not discriminated against or harassed in the workplace; or an innocent man is punished for a crime he did not commit.

You may aspire to leadership in government to re-imagine and revitalize a new Caribbean society. You may choose to do so as an Attorney-General, a Prime Minister, a Chief Justice, a CCJ President, a President of the Republic of Trinidad and Tobago. Over the years, graduates of this Law school have filed these positions of responsibility and many more. Your Community needs you to aspire to governance – to build a society of peace, justice and law. Many of the leaders whom this world most admire and who have been catalysts for change

have been members of our profession: Nelson Mandela, Mahatma Gandhi, Abraham Lincoln. There is no reason why you ought not to follow in their footsteps.

More than 100 years ago, the distinguished American jurist Oliver Wendell Holmes expressed his belief that no profession was as rewarding as the Law. In what other profession, he asked, "does one plunge so deep into the stream of life, so share its passions, its battles, its despair, its triumphs."

You have a terrific future ahead of you. You can be part of a generation of new ideas, skills and talents that change the world. So, have at it; plunge deeply.

Thank you again for allowing me to share this wonderful day with you. My congratulations to you all!