



Law Association of Trinidad and Tobago Annual Dinner and Dance

The Right Honourable Sir Dennis Byron,
President of the Caribbean Court of Justice

The Annual Dinner and Dance of the Law Association of Trinidad and Tobago

Festival Ballroom,
Radisson Hotel
Trinidad and Tobago
5 December 2014

The Law Association of Trinidad & Tobago is a body corporate established under Section 3 of the Legal Profession Act 1986. Its membership consists of practitioner and non-practitioner members as well as honorary members. The Association is governed by a duly constituted Council (First Schedule, Part A), comprising eighteen (18) members, namely, the President, Mr. Douglas Mendes S.C., the Vice-President, and the Treasurer, ten (10) Senior Ordinary members, and five (5) Junior Ordinary members. The Council exercises and performs such functions, duties and powers as are imposed or conferred upon it by the empowering Act.

Featured Address

By

The Right Honourable Sir Dennis Byron, President of the Caribbean Court of Justice,

on the occasion of

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[salutations]

I would like to begin by congratulating the Law Association and its inspired leadership on the major milestone which has been achieved this year, namely the acquisition of a new building to house its operations and serve its membership. This is a project that has been long in the making and the level of attention to detail which has obviously gone into this new, elegant facility is worthy of high praise. I was particularly impressed by the inclusion of arbitration and mediation facilities at the Association's new home. This serves as demonstrable evidence of its commitment to support judicial reform and increased access to justice. The use of alternative dispute resolution is a powerful weapon to combat judicial delay and judicial backlog; both of which constitute a significant threat to the administration of justice and respect for the rule of law in the Caribbean region. I certainly admire the way in which your law society has championed judicial reform by embracing and facilitating the use of ADR. I have learnt with a great deal of pleasure that you are also championing your members by promoting higher levels of professionalism through a mandatory continuing legal education program supporting your ethical principles by group indemnity insurance and demonstrating your charitable foundations through the establishment of a benevolent fund. I applaud all of this.

It would be nice if your society could also be a champion for the Caribbean Court of Justice. The government of Trinidad and Tobago was part of the vision for the establishment of the court. It entered into the treaty and signed all the legal instruments to legitimise the operation of the court. It made the biggest financial contribution to the CCJ Trust Fund to finance the operations of the Court. And it facilitates the day to day operations of the court in many ways. It really is time for the court to fulfil its mandate and serve as the final appellate court for Trinidad and Tobago. Within the last couple months many of you would have participated in some of the strategic local partnerships. For example, the CCJ and the Trinidad and Tobago Judicial Education Institute recently collaborated in hosting a fantastic lecture on the Legal Profession in the 21st Century. Just this week, the Ministry of the Attorney General partnered with CALCA (one of the umbrella bodies of the Court geared towards legal education and professional development) in relation to the CALCA Conference on international law and international trade law. I can see a number of attendees at the Conference right here including Chief Justice Archie. The Court has been integrated into the judicial fabric of the community in many ways; another example is the use of our premises for national Commissions of Enquiries, with another set to begin on Monday. Next year, the CCJ will celebrate its 10th Anniversary. In the grand scheme of things, this is a relatively short period of time. By way of illustration, the European Court of Human Rights was established in the 1960s. In its first 10 years, it delivered 10 judgments. However as of 2013, there are 99,900 applications pending before that Court.¹ The CCJ has got off to a much faster start. To date, 159 matters have been filed in the Appellate Jurisdiction to which Barbados, Belize and Guyana subscribe. Of this, the Court has heard 142 matters comprising 82 applications and 60 appeals. Of the 17 matters outstanding five will be heard by next weekend and two by middle January 2015.

¹ http://www.echr.coe.int/Documents/Stats_pending_month_2013_BIL.pdf

So you see we do not have any backlog. In the Original jurisdiction 10 matters were filed and only 2 remain pending. We have set and maintained a high standard for timeliness in the hearing of matters and in the delivery of judgments of the matters heard.

The CCJ has served the people of the Caribbean region. It has developed a body of jurisprudence. It has clarified important issues of land law in the Roman-Dutch system in Guyana. It has taken a stand to ensure good governance and transparency at the level of the State and that of CARICOM. It has demonstrated robust support for the protection of fundamental rights and freedoms. It has supported the Single Market and Economy by facilitating the creation of a climate which fosters regional trade. It has deepened regional integration by steadfastly defending the right to free movement. It has even introduced procedural reforms which allow for litigants to file court documents electronically. It regularly uses technology such as video-conferencing to facilitate hearing cases throughout the region at substantially reduced costs.

Having the highest appellate court housed in the Caribbean region provides increased opportunities for members of the legal profession to appear before the highest court; an opportunity that is invaluable for their continued personal and professional development. It is interesting to note that a number of silks from England appear before our appellate jurisdiction. Next week Lord Goldsmith will be arguing before us right here in Port of Spain. Of course Trinidad seniors have also appeared in the appellate jurisdiction, the most easily noted one is the Hon Attorney General. In the original jurisdiction we have had your seniors, Denbow and recently Mendes before us. Yet when I checked some time ago there were over 140 attorneys from the other Caribbean countries who have appeared before the CCJ. Many of them would never have had a chance of appearing before the Privy Council. Why shouldn't you be interested in appearing before the highest court? Of course, apart from the obvious professional and business benefits to you the other beneficiary

would be the ordinary Caribbean citizen who would have a much greater opportunity to have access to a final appeal.

The current configuration of the judicial system does not facilitate the realisation of this right. It is well known that there are not that many appeals to the Privy Council and that apart from the death penalty cases, the parties to those appeals are usually the state and big corporations. It is generally believed that this is caused by the expense and complexity of appealing to London. You would be interested to note that the appellants before the CCJ have included people from all financial and social levels of society providing access to a much broader range of the citizens than currently exist. It has been said that the trade of lawyers is to question everything, yield nothing and talk by the hour. That idea lies at the heart of the famous lawyer joke that the man who said talk is cheap, never hired a lawyer. In the debate surrounding the CCJ, silence is not an option for one of the major stakeholders in the justice system: the legal profession.

Your law society has also taught me something. I learnt that lawyers like to instruct judges. I got instructions about my presentation tonight. Very clear – do not exceed 15 minutes and give a joke!!!

Thank you.