



Cayman Islands
Judicial Administration

The Cayman Islands Judiciary 2019-2021 Retrospective



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Foreword, Messages, and Introduction



Chief Justice's Foreword

**Hon. Sir
Anthony Smellie
KCMG, QC**

JP, LLD (HC)
(Liverpool); LLB
(HONS) (UWI) CLE



I am pleased to present this Retrospective on the work of our Judiciary and Judicial Administration for the years 2019-2021.

It spans three years instead of one because the impact of the COVID-19 pandemic interfered – as it has with activity in just about every other sphere of life – with its compilation and production.

Nonetheless, the Retrospective will have been well worth the wait for the information it contains and the many successes it chronicles.

Among the most compelling of these is the fact, as found by independent experts, that our courts have emerged from the worst of the pandemic without significant delays to case disposals and without any backlog of cases in any division of our courts.

This would be a remarkable achievement at any point in time and must be recognised as being even more so in the context of the disruptive impact of COVID-19.

Indeed, I present the contents of the Retrospective as a testament to the hard work and dedication of my colleagues of the Judiciary and the entire staff of the Judicial Administration.

Together they embody and represent a system of administration of justice of which the Cayman Islands can be justly proud.

Year after year, they have unfailingly enabled access to justice and delivered timely and fair resolutions for the public at home and abroad, often under the constraints of lack of space and other resources.

As I anticipate the challenges ahead, I fear that in the continuing absence of adequate modern court facilities, the Administration will become the victim of its own success, the result of a false perception that such facilities are not really needed.

Such a state of affairs would be most regrettable. It would involve the ongoing failure of government to meet its obligations under section 107 of the Constitution to support the administration of justice in the Islands. And it would also very likely result in the failure of the Administration itself to fulfil its constitutional duty to provide timely, fair, and effective access to justice for the public at home and abroad.

**Our courts have emerged
from the pandemic without
significant delays to
case disposals**

If this chain of events were allowed to happen, it inevitably would result in the loss of the Cayman Islands' reputation as a jurisdiction that respects and upholds the rule of law. I therefore, in conclusion, exhort our colleagues in Parliament and Cabinet, my colleagues of the judiciary and the managers of the Administration, to be ever vigilant in anticipating the challenges of the future and the ways in which they might be met.

**I take this opportunity
to record my gratitude
to my colleagues and all
members of staff**

As Chief Justice, I am, however, optimistic that the mantle of preemptive leadership will be worn well by my successor, for whom I wish every success in the years to come.

Finally, as Chief Justice presenting this my last report before demitting office later this year, I take this opportunity to record my gratitude and profound sense of honour and privilege to have been entrusted, over the past nearly twenty-five years, with the leadership of the wonderful, dedicated, and talented people who embody and represent the administration of justice for the Cayman Islands.

Hon. Sir Anthony Smellie, KCMG, QC

Chief Justice

August 2022

President of the Court of Appeal's Message

Rt Hon. Sir
John Goldring
QC, PC

President of the
Cayman Islands
Court of Appeal



Rising to the challenges accompanying the global COVID-19 pandemic, the Cayman Islands Court of Appeal achieved some historic milestones that have expanded public access to hearings at the flick of a switch.

Interestingly, this outcome was a fortuitous consequence of the island-wide COVID-19 lockdown that at the time prohibited public gatherings. To provide for continuity of the business of the court and to facilitate the seamless transition to virtual hearings, Chief Justice Smellie, in consultation with the President of the Court of Appeal, and in accordance with the Cayman Islands Constitution Order 2009, issued the necessary Practice Direction.

As a result, Justices of Appeal, together with Counsel, established their virtual presence in the courtroom in the Cayman Islands, adjudicating from their respective locations around the globe. Thus, hearings were live-streamed for the first time in the Court's history, facilitating uninterrupted access to all Court matters during the height of the COVID-19 restrictions. Appellants in criminal matters were similarly accommodated.

This fortuitous trend has continued in the aftermath of the lockdown, with selected cases routinely live-streamed on the Judicial Administration's website, ensuring the widest possible audience on important judicial decisions.

This landmark was achieved at a time when Justices of Appeal are increasingly called upon to adjudicate multi-faceted, sensitive cases, including complex international financial services matters, one of which lasted six weeks. As a few notable examples of high-profile cases, encompassing controversial ground-breaking concerns in the Cayman Islands, the Justices of Appeal adjudicated a sensitive family-life rights case and a contentious people-initiated referendum.

Not surprisingly, today's Court of Appeal boasts a panel of eight Justices as they rise to the challenges of the ever-increasing complexity of life in modern Cayman. This requires the Court of Appeal to sit annually for three sessions, for an average of three weeks each, in addition to special sittings as required.

To support the Justices of Appeal in carrying out the increasing demands, both in complexity and number, a dedicated, state-of-the-art courtroom for the Court of Appeal was slated to come on stream in 2022.

Hearings were live-streamed for the first time in the Court's history

Chief Magistrate's Message

Valdis Foldats
Chief Magistrate



Two areas of our work – our specialist courts and our Family Court – endeavour to find solutions for the most vulnerable and disadvantaged in our society.

Our specialist courts – the Drug Rehabilitation Court and the Mental Health Court – recognise that the traditional approach to dealing with offenders is not always effective.

Traditional courts aim to move cases through the criminal justice system quickly, leaving rehabilitation to outside agencies with little or no oversight by the court system. In contrast, specialist courts keep offenders before the court for many months pre-sentence, collaborating with outside agencies, all in an effort to address the underlying causes of an offender's criminal behaviour. This multidisciplinary team approach allows continuing and active oversight of an offender throughout a lengthy period of treatment.

In essence, the court encourages those who are making progress and sanctions those who are not – the goal being to keep offenders in the programme long enough for treatment services to be effective.

The work of the Family Court is necessarily out of public view to protect the children who are caught up in these cases, but its importance cannot be overstated. We deal with families that are fractured, children who are at risk due to parental neglect, and families in which domestic violence is the norm. We decide whether to remove children from their homes and place them in care, or whether a child should reside with one or the other parent. We also decide appropriate levels of financial support and contact arrangements.

In summary, the Family Court works for outcomes that are in the best interests of children, while the specialist courts focus on rehabilitation – and not on punishment.

I hope that by highlighting these two areas – our specialist courts and our Family Court – I have opened a window on the Summary Court's work so that it is better understood. I hope, too, that the public can be confident that we endeavour to find solutions for the most vulnerable and disadvantaged members of our society.

We endeavour to find solutions for the most vulnerable and disadvantaged

Court Administrator's Introduction

Suzanne Bothwell

Court Administrator
(Chief Officer)



The role of Judicial Administration is to support the judiciary in the administration of justice.

As Court Administrator, I lead a team of skilled and dedicated staff, who seek to provide service in a professional and timely manner in keeping with our mission and world-class civil service values of exceptional customer service, professionalism, and integrity.

The entire Judicial Administration team has worked assiduously towards modernising various areas of our court service. To support the judiciary in the effective and efficient administration of justice, it is our responsibility to ensure that our services are accessible to the changing needs of our society.

Our success comes from a sense of personal responsibility and pride in delivering high-quality service in a professional yet caring manner and in integrating, where appropriate, technology to assist us in the delivery of service.

This philosophy was put to the test in March 2020 when the COVID-19 global pandemic hit our shores.

The Hon. Chief Justice and I, along with key members of our leadership team comprising the Clerk of Court, Deputy Clerks, Director of Legal Aid, Chief Financial Officer, and Judicial Affairs Administrative Manager, swiftly developed a strategy to deliver emergency court services during a period of national shelter-in-place. However, none of this could have happened without the willingness of our judiciary and staff to pivot at a moment's notice and to remain committed to our mandate despite the impacts of the changing environment. Indeed, despite the pandemic, business increased apace in 2021.

So, with our planned business strategies accelerated, the pandemic undeniably had its silver linings. These included the full upgrade of our IT system to introduce our new APEX CURIA court database for enhanced electronic filing and case management. As part of this improvement in our business strategies, our court video link services received a substantial boost.

Despite the pandemic, business increased apace in 2021

For the 2022-23 budget cycle, we look forward to continuing this trend. At the zenith will be continuing investment in training and development of our staff and by means of the introduction of additional technological advancements, such as –

- digital trial management
- electronic recordings of court cases
- completion of our online payment gateway to accommodate most of our court financial transactions, and
- modernising of our **www.judicial.ky** website

We anticipate that this will round out our array of online and digital services, allowing us to strengthen our position as a leading court service provider, both regionally and internationally.

The Judiciary at a Glance



The Judiciary at a Glance

Like the Cayman Islands jurisdiction itself, the judiciary has evolved in keeping with the times and development of society. This has meant that while development was only gradual and incremental for the first 200 years after settlement in the mid-1700s, there was a marked expansion since the turn of the 21st century all in response to the demands of society.

Consistent with the increasing numbers, complexity and variety of the cases, the establishment of judges and magistrates has had to be transformed in recent years. We see from the **Cayman Islands Handbook and Businessman's Guide 1980**¹ that the established judiciary (and quasi-judiciary) then comprised only three officers – Chief Justice Sir John Summerfield, Magistrate Mr. Winton Hercules, and Clerk of Court, Mr. Richard Edwards.

Fast forward to today,² there are five permanently appointed Magistrates (including the Chief Magistrate), three Acting Magistrates; and eight (including the Chief Justice) permanently appointed Grand Court Judges, four of whom are appointed exclusively to the Financial Services Division³ (FSD). In addition, an active panel of 16 Acting Judges is called upon from time to time to undertake pre-arranged stints, each typically for four-to-six weeks annually. The panel of Acting Judges assists with the criminal and general civil work of the Court.

There are eight established Court of Appeal Justices (including the President). All in all, we have a judiciary of 35 judicial officers⁴, including acting positions. There is a Clerk of Court and, at mid-2022, three Deputy Clerks of Court. This increase, especially in judicial personnel, while consistent with the rapidly increasing numbers and complexity of cases, is also the consequence of a deliberate arrangement to ensure that the judiciary can fulfil its responsibility to administer justice in a timely and efficient manner. This is the arrangement which culminated in Practice Direction 1 of 2021, as discussed above. This arrangement is also consistent with section 6 of the Bill of Rights which mandates the fulfilment of that responsibility.

Proof of the ongoing fulfilment of this Constitutional responsibility was detailed in a report in March 2022 by independent experts Mr. Ben Yallop and Justice Dr. Mathilda Twomey. They reported, "Today, there is no backlog to speak of in the Summary Court [as well as] sufficient availability to list trials as soon as the case is ready. This is something which few jurisdictions can offer."⁵

The establishment of judges and magistrates has had to be transformed in recent years

¹ A Nor'wester Publication, at p143

² An organisational chart for the Judicial Administration and biography of judicial officers can be found at www.judicial.ky/courts. And the roll of Justices of the Peace at <https://www.judicial.ky/general-public/justices-of-the-peace>

³ One of five divisions of the Grand Court, the others being Admiralty, Family, Criminal and General Civil

⁴ Apart from the Justices of the Peace some of whom then served as lay justices in youth and children cases and who in early 2022 numbered 237

⁵ Report for the Chief Justice of the Cayman Islands, March 2022, by Ben Yallop and Dr. Mathilda Twomey, both from Red Lion Consulting, London, England, p3, para 10

Timely Delivery of Effective Judgments

There is a Judicial Code of Conduct⁶ which requires judgments to be delivered within a reasonable time to be set by the Chief Justice, in consultation with the judges and magistrates. However, it is recognised that they may not be expected to sit continuously in court, trying case after case, while at the same time producing effective judgments in a timely manner.

A Judicial Code of Conduct requires judgments to be delivered within a reasonable time

Accordingly, ever since the introduction of Practice Direction 1 of 2012,⁷ time for the preparation of judgments, commensurate with the complexity and length of time taken for a hearing or trial, is reserved immediately upon the conclusion of the hearing or trial.

This arrangement has proven effective in judgments being delivered within the established periods of two-to-three months for the Grand Court and two-to-three weeks for the Summary Courts. This works well because of the relief from continuous hearings or trials provided to the established judges and magistrates by the members of the Panels of Acting Judges and Magistrates.

Indeed, these panels were established as the result of the practical realities herein discussed being accepted by the Governor and Cabinet. These appointments are also the outcome of funding being made available within the Judicial Administration's budget.

⁶ Available at www.judicial.ky/guidance or www.judicialandlegalservicescommission.ky/code-of-conduct

⁷ Available at www.judicial.ky/guidance



CAYMAN IS A FOUNDING MEMBER OF THE
STANDING INTERNATIONAL FORUM OF
COMMERCIAL COURTS (SIFOCC), A FORUM
THAT BRINGS TOGETHER THE WORLD'S
COMMERCIAL COURTS.

CHIEF JUSTICE ANTHONY SMELLIE, WHO
REPRESENTED THE CAYMAN ISLANDS AT
THE VERY FIRST MEETING, IS STANDING
FRONT, RIGHT.

JUSTICES NICHOLAS SEGAL AND IAN
KAWALEY, CURRENTLY OF THE CAYMAN
ISLANDS JUDICIARY, ARE ALSO IN THE
PHOTOGRAPH.

Cayman's Judiciary: Its Pivotal Role in the Introduction of the 2009 Bill of Rights

In anticipation of the present new era of constitutionally entrenched human rights in the Cayman Islands, Cayman's Judiciary, in conjunction with the United Nations, hosted the Human Rights Today conference in Grand Cayman on 9 September 2001.

It would not be until some eight years later that the Cayman Islands Bill of Rights⁸ was enshrined in the 2009 Cayman Islands Constitution.⁹ However, the 2001 conference, attended by some 400 regional and Cayman delegates, had already instilled a greater sense of appreciation for its importance.

Steering the path paved in the sector's ground-breaking 2001 Human Rights Conference, the Bill of Rights has resulted in many seminal judgments, many of which are reported in the Cayman Islands Law Reports (CILRs).

**Steering the path paved in the
ground-breaking 2001 Human Rights
Conference, the Bill of Rights has
resulted in many seminal judgments**

⁸ Available at

<http://www.constitution.gov.ky/www.constitution.gov.ky/portal/pagee8bf.html#:~:text=For%20the%20first%20time%20the,safeguard%20society%20as%20a%20whole>

⁹ By the Cayman Islands Constitution Order 2009, with the Bill of Rights itself coming into effect three years later in November 2012

Early History

We see from the history books¹⁰ that the administration of public affairs, including the administration of justice, was initially dispensed by Justices of the Peace appointed by the Governor of Jamaica.

Beginning in the mid- to late-1700s, Justices selected from among their number a Chief Magistrate, referred to as “Governor”. This informal title prevailed until about 1832, when it was superseded by the title of “Custos”.

The first Chief Magistrate, William Cartwright, serving from 1750 to 1775, was succeeded by Chief Magistrate William Bodden, who, until 1823, served for an astonishing period of 48 years, which must be the record for a top judicial post, let alone one that combined all three branches of government. It was a record that could have been attained only in the context of a newly settled and embryonic society, one not regularly in need of dispute resolution as an aspect of everyday life.

But the hands of time move on, and, in 1898, The Cayman Islands Commissioner Act empowered the Governor of Jamaica to appoint a Commissioner. This new position was a salaried office, and, for the first time, the position of Custos, thereafter referred to as Commissioner, was filled by someone recruited from outside the Islands, the first of whom was Mr. F. S. Sanguinetti, formerly of the Colonial Secretary’s Office in Jamaica. In keeping with section 3 of the 1898 Act, Mr. Sanguinetti assumed both the executive powers and the judicial function formerly fulfilled by the Custos. He was also Ex Officio Judge of the Grand Court¹¹ and presided over the Legislative Assembly of Justices and Vestrymen.

This arrangement by which the Commissioner served as Chief Judge as well as Chief Executive of the Government and President of the Legislature, continued well into the 20th

century until 1957 when the first Stipendiary Magistrate was appointed.¹² This person took over the Commissioner’s judicial functions but was also appointed as a member of Executive Council as its legal advisor; hence that bulwark of democracy – the separation of powers – was not yet a reality.

The difficulties this arrangement presented finally came to a head in 1967, when Mr. Geoffrey Horsfall, the Stipendiary Magistrate, acting as Judge of the Grand Court, made a judgment in favour of the Government in the court-supervised liquidation of the distressed electricity-generating entity known as the Cayman Islands Public Service Limited. Among the perplexing complications was that Government was a major creditor of the company.

Other creditors appealed, complaining, among other objections, that the Acting Judge, who was also at the time an official member of the Legislative Assembly and the Executive Council’s only legal adviser, should have disqualified himself from hearing an action in which the Government was directly interested. Not surprisingly, given the blatant conflict of interests, the Court of Appeal, to the embarrassment of the government, agreed.¹³

¹⁰ Long’s History of Jamaica, Vol 1. Chap. X11, sec 1 ‘The Caymanas’ (1774) – extract included in Hirst, History of the CAYMAN ISLANDS, at pp393-397. See also: the Legal Systems of the Cayman Islands, Elizabeth W Davies, Law Reports International, Oxford 1989, p57

¹¹ Which had its first incarnation in a statute passed in 1865

¹² ‘Founded Upon the Seas: A History of the Cayman Islands and Their People’, Michael Craton and the New History Committee, pp324-325

¹³ Reported at 1952-79 CILR 81

President of the then-Court of Appeal Justice Herbert Duffus accepted that at a prior time when disputes were simply those between citizen and citizen and not between government and citizen, the lack of separation of powers might have been acceptable.

However, President Duffus made these observations: "(Certainly,) today with the rapid development of this Colony, which is apparent on all sides, I think it is definitely in the interest of the country that there should be a separate legal officer in the Government.... speaking as a judicial officer, I must say that I consider it is bound, from time to time, to cause an intolerable burden on the person occupying the post of Stipendiary Magistrate and Acting Judge to find himself having, as (Counsel) put it, to "wear several hats". It is not right that a person who is a judge should be called on to draft the laws of the country, to advise the Government on matters pertaining to the welfare and good government in the country, and then at the same time, to have to sit in court and pass judgment."

The Constitutional Order of 1959 established the Legislature, Executive Council, and Judicature as separate entities

And, so, although the Constitutional Order of 1959 had established the Legislature, Executive Council, and Judicature as separate entities, the separation of powers had not yet become a practical reality, with conflicting functions still embodied in one person.

However, as President Duffus had observed, the complexities of the 20th century had descended upon the Islands, and the integrity of government, most especially in the administration of justice, would be brought into question if the potential for conflict of interests was not eliminated.

Accordingly, it was accepted in 1967 that the Stipendiary Magistrate should be divested of his legislative and executive roles and the post of Attorney General was created later that same year.¹⁴ Magistrate Horsfall was, fittingly, appointed as the first established judge of the Grand Court in September 1968.¹⁵

Later in 1975, the Grand Court was reconstituted by the Constitution Order of 1972 and the Grand Court Act 1975 (section 3) established that Court as a superior court of record. In addition to jurisdiction vested by the Constitution and local laws, the jurisdiction which is vested in or is capable of being exercised in England by Her Majesty's High Court of Justice¹⁶ is exercisable by the Grand Court.

¹⁴ 'Founded Upon the Seas, A History of the Cayman Islands and Their People'; op cit, p325

¹⁵ See List of Judicial and Law Officers, the Cayman Islands Law Reports 1952-1979

¹⁶ Section 11 of the Grand Court Law



FOLLOWING THE 2020 GRAND COURT CEREMONIAL OPENING, THE JUDICIARY AND JUDICIAL ADMINISTRATION STAFF GATHER FOR A PHOTOGRAPH TO COMMEMORATE THE OCCASION.

FROM LEFT: SENIOR DEPUTY CLERK OF COURT JENESHA SIMPSON, CLERK OF COURT SHIONA ALLENGER, CHIEF MAGISTRATE VALDIS FOLDATS, MAGISTRATE PHILIPPA MCFARLANE, JUSTICE CHERYLL RICHARDS, QC, JUSTICE ROBIN MCMILLAN (SINCE RETIRED), JUSTICE IAN KAWALEY, CHIEF JUSTICE THE HON. SIR ANTHONY SMELLIE, KCMG, QC, JUSTICE RICHARD WILLIAMS, JUSTICE NICHOLAS SEGAL, JUSTICE MARGARET RAMSAY-HALE, DEPUTY CLERK OF COURT CECILE COLLINS, MAGISTRATE ANGELYN HERNANDEZ, MAGISTRATE KIRSTY-ANN GUNN, DIRECTOR OF LEGAL AID STACY PARKE, COURT ADMINISTRATOR SUZANNE BOTHWELL, AND SENIOR TEAM LEADER MARSHAL JOSEN EBANKS.

MISSING FROM THE PHOTOGRAPH ARE JUSTICE RAJ PARKER, JUSTICE DAVID DOYLE, AND MAGISTRATE VANESSA ALLARD.

The Constitutional Entrenchment of Judicial Independence and the Separation of Powers

In summary then, legal and constitutional advancement since 1968 have:

- seen the reconstitution of the Grand Court in 1975 as a superior court of record;¹⁷
- provided for appeals from the Grand Court to the Court of Appeal of Jamaica;¹⁸
- created later in 1984 a dedicated Court of Appeal for the Cayman Islands;¹⁹
- entrenched in 1993 the status of the Grand Court in the Constitution as a superior court of record as well as establishing the Islands' Chief Justice as the head of the judiciary, with responsibilities for the management of all matters arising in judicature;
- provided for the security of tenure of judges as well as for a law for the establishment of the Summary Courts which was later enacted as the Summary Jurisdiction Act,²⁰ and,
- perhaps most significantly, in 2009, provided that the Legislature and the Cabinet shall uphold the rule of law and judicial independence and shall ensure that adequate funds are provided to support the judicial administration in the Cayman Islands.²¹

Of further great significance, more recently, in 2016, the 2009 Constitution was amended to confirm the separation of powers and the independence of the judiciary. This confirmation came by way of clarifying that the Governor has no disciplinary authority over the members of the judiciary except, acting upon the advice of the Judicial and Legal Services Commission (JLSC), for complaints that could justify dismissal from office (as distinct from complaints that could not). The amendment also clarified that judges of the Grand Court are entitled to hold office to age 70 instead of age 65.²²

¹⁷ Per the Grand Court Law (first enacted as Law 8 of 1975, now in the 2015 Revision, sections 3 and 11)

¹⁸ Per section 49 of the Cayman Islands (Constitution) Order 1972

¹⁹ By the Cayman Islands (Constitution) (Amendment) Order 1984

²⁰ The Cayman Islands (Constitution) (Amendment) Order 1993, Part VA

²¹ The Cayman Islands Constitution Order 2009, section 107

²² The Cayman Islands Constitution (Amendment) Order 2016, an amendment which followed a Petition to H.M The Queen by the Chief Justice for a reference to the Judicial Committee of the Privy Council for resolution of the question whether the Governor, as he had been advised by the Judicial and Legal Service Commission, had the power to discipline judges in respect of complaints which could not result in their removal from office but which could involve only such intermediate disciplinary measures such as reprimand and advice, as could be appropriately given only by the Chief Justice as Head of the Judiciary. The Privy Council declined to hear the Petition instead referring the matter back to be taken at first instance before the Courts of the Islands with any appeal to the PC going in the usual way up through the Court of Appeal. The Chief Justice gave notice of his intention to proceed according to the PC's advice by way of Judicial Review of the advice given to the Governor by the Judicial and Legal Services Commission and this led to negotiations with the Governor, the Cabinet and Leader of the Opposition which resulted in the Constitutional Amendment 2016, with the limitations on the Governor's powers becoming expressed, as described above.

As a result of these advancements, all lesser disciplinary complaints against judges and magistrates must be left to the Chief Justice for resolution with the judge or magistrate concerned.

The independence and security of tenure of the Magistracy have also been advanced and effectively secured. Since 2009, by virtue of section 106 (4) of the Constitution, magistrates, who are now given appointments to age of retirement at 65, may be removed from office by the appointing officer (the Governor), only in accordance with section 106 (1) after having received the advice of the JLSC, as is the case with judges. And, with effect from 1 January 2016, the Judges' Emoluments and Allowances Order Act and Order have been amended to secure the terms and conditions of service of the magistrates.

This amendment allows for magistrates' inclusion in the Judicial Salaries and Pensions Schemes and for the removal of their terms and conditions of service from the Civil Service establishment.

The result of all these changes over the years is that there is now a recognisable constitutional guarantee of judicial independence at all levels. Critically, there is real separation of powers between the three arms of government to ensure that independence.

**There is now a
recognisable constitutional
guarantee of judicial
independence at all levels**

The Courts of Justice



The Courts of Justice

The Grand Court

Pursuant to the Grand Court (Amendment) Rules 2009,²³ the Grand Court has been operating within five divisions: Civil, Family, Admiralty, Financial Services (FSD), and Criminal.

The impact of this reform has been most evident in the management of the FSD's volume and complexity of work. Cases are assigned in a docket system to dedicated FSD Judges who are exclusively responsible for their management and trial from beginning to end. Since November 2009, 2,006 cases have been filed in the FSD, an annual average of more than 182. At the end of 2021 just short of 400 filings had been made with the FSD.

The consequence is that although the judicial capacity (including the panel of Acting Judges) is available to try these cases in a timely manner, typically only one indictment trial at a time can be conducted. The resulting past perennial backlog has only been averted in more recent years because of interventions such as increasing use of virtual hearings and other efficiency methods.

In prior years, the concern over backlogs had occasioned constant representations to the Executive branch of government. This resulted in an agreement in principle and ongoing discussions for the funding and construction of a badly needed new courthouse. Little, however, was achieved in terms of a sustainable long-term plan.

The most current position is that the Judicial Administrator chairs a business case committee which is charged with the responsibility for developing and presenting the case to Cabinet, which has nevertheless time and again expressed commitment and approval in principle of the project - subject to financing.

In the meantime, a third building has been acquired²⁴ to house the operations of the Courts. Two additional courtrooms were being installed in this building in 2022 to accommodate jury trials, with one of these to serve as the dedicated court for the Court of Appeal when in session.

The Criminal Division has consistently had an intake of more than 100 indictments each year since 2000

The Family Division, managed by Justice Richard Williams, has consistently experienced a high volume of cases as well. Indeed, it is here that the need for mediation, an option that it now available, has become most urgent and obvious.

Meanwhile, the Criminal Division has consistently had an intake of more than 100 indictments each year since 2000. It is here, where jury trials are afforded, that the lack of courtrooms and related facilities (and the shortage of defence counsel), have been most severely felt.

²³ See The Grand Court Rules 1995 (Revised) Explanatory Memorandum

²⁴ The former Scotia Bank Building in 2017, which along with Kirk House rented since 1998, is within the environs of the main courts building and allows for the operations of the courts within a kind of campus

The Summary Courts

The **Summary Courts** also operate in divisions, but on a more informal basis. These four divisions comprise the **Civil, Criminal, Family, and Coroners Courts**. Dates are set aside weekly or monthly for the business of each, except for the Criminal Division, which sits daily.

Of special note are the diversionary treatment courts: the **Drug Rehabilitation, Mental Health, and Domestic Violence Courts**, where the emphasis is on treatment, counselling, and rehabilitation, notwithstanding the criminal charges which bring persons before them. On successful completion of the treatment programmes, the criminal charges are withdrawn.

Of these three courts, only the Drug Rehabilitation Court is established on formal legal bases. However, having been similarly successful in delivery of treatment, the Mental Health and Domestic Violence Courts are soon to be formally established. Chief Magistrate Valdis Foldats leads the work in the diversionary courts.

Of special note are the diversionary treatment courts - the Drug Rehabilitation, Mental Health and Domestic Violence Courts



CHANGES IN 1975 CONSTITUTED THE
GRAND COURT IN ITS MODERN FORM,
UPON WHICH THE FIRST GRAND COURT
JUDGE WAS APPOINTED.

(PHOTO CREDIT CAYMAN COMPASS)

Mediation

Many cases coming before the courts, especially matrimonial disputes, are best resolved by way of mediation facilitated by the judges and magistrates.

To this end, many members of the active judiciary, as well as senior legal officers of the administrative staff, were trained and certified as mediators in February 2016. Additional training and a general discussion of mediation occurred in May 2019. Both programmes were delivered locally by the London School of Mediation.

Once parties coming before the court elect to explore the option of consensual mediation,²⁵ they next engage in mediation information and assessment meetings (MIAMs), at which they are advised about the benefits of mediation and are able to ask any questions about the mediation process. If the parties subsequently agree to the option of mediation, a mediator judge or magistrate, or the mediation coordinator, is assigned to the case.

Since February 2016 many cases, primarily matrimonial and some general civil ones, have been mediated. In 2021, 99 Grand Court family cases were referred for mediation, with 54 cases settled and only 10 of the 99 unsuccessful.

At mid-2022, there were 52 referrals. 36 cases, some of which were rollovers from the prior year, were settled by mid-year. Only 14 cases, some of which also were from the prior year, were not settled.

Having achieved this level of undeniable success in the Family Division, a similar programme of judge-led mediation will be introduced across the general Civil Division of both the Grand and Summary Courts.²⁶

In 2021, only 10 of the 99 primarily matrimonial cases referred to mediation were not successfully settled

²⁵ Co-ordinated by Mrs. Leslie Talbot, an attorney and experienced family mediator

²⁶ See Practice Directions Nos. 3 & 4 of 2022, issued on 15 August

Technology



Technology

Facilitating Efficient Case Management and Disposal

No real progress in the administration of justice or the efficient management of case disposal would have been possible without the use of technology.

It is just as well, then, that the wide availability of the computer, the advent of the Internet, and the development of electronic platforms for the running of court registries all coincided with (or perhaps were instigated by) the expansion of litigation witnessed during the first two decades of this millennium.

While not yet at the cutting edge of technology, the Cayman Judicial Administration has been gradually shifting operations to electronic platforms, beginning with the Judicial Electronic Management System (JEMS) introduced in 1998 and the www.judicial.ky website launched in 2000. Since then, online services, particularly for payments, have increased and improved through the website.

Capability for searches has similarly expanded and improved with online access to the laws enacted by Parliament, the Cayman Islands Law Reports, the Rules of Court and Practice Directions, the Public Registers of the Court, and a host of other types of information about the Courts. Online services include guidance for litigants in person and contact information for key members of the Court's administrative staff.

More recently, compelled by the COVID-19 pandemic, remote hearings by video link had to be used in all divisions of the Courts. These divisions include the Financial Services Division and the Court of Appeal, with the judges and justices of appeal presiding virtually in court in the Cayman Islands from their homes in Cayman, the UK, Bermuda, and other places. Live streaming of proceedings was provided over YouTube to allow public access.

So efficiently and effectively was this all achieved in Cayman that it is now clear that virtual hearings will more frequently become a tool of choice for the delivery of justice in the future.²⁷

In addition to the use of virtual hearings, the COVID-19 pandemic compelled a sudden change of method in early 2020 when practice directions were issued to allow filing of documents with the Registries by email.

This temporary solution served the purpose of allowing the Courts to continue to administer justice despite the Shelter-in-Place Regulations.

Virtual hearings will become a tool of choice for the delivery of justice in the future

²⁷ The use of virtual hearings was approved by a recent Privy Council decision on appeal from the Turks and Caicos Islands: AG of the TCI (Respondent) v Misick and Others (Appellants), 13 November 2020, [2020] UKPC 30

Those experiences and temporary solutions demonstrated the urgent need for a state-of-the-art, seamless e-filing platform. Such a platform has been acquired from the Caribbean Agency for Justice Solutions (CAJS), and since the start of 2022 has become operational in the form of their Curia e-filing and case management platform.

The first of the Curia applications was launched in the first half of 2022

CAJS is a not-for-profit organisation established in Barbados for the purposes of the development, delivery, and maintenance of court technology applications for the support of regional courts.

Cayman's Chief Justice was an early supporter of the establishment of such a regional organisation, while the Caribbean Court of Justice (CCJ) led the way as the first regional court registry to adopt the Curia e-filing platform.

In the Cayman Islands, the Curia platform was first introduced as a pilot project in January 2021. At that stage, certain of the larger law firms agreed to serve as 'guinea pigs' for its introduction, initially in the Financial Services Division (FSD).

After a full year of trial-and-error, the platform was officially launched in January 2022 in the FSD and is now operational across all divisions except Criminal, where it will become fully functional by September 2022.

Other applications, such as digital case management, e-payments, and digital recording of court proceedings, will become operational during 2023.

Cayman Islands Judiciary Highlights Cases



Cayman Islands Judiciary Highlights Cases

Dispute Resolution in the 21st Century

The Cayman Judiciary has had to keep pace not only with the legal and constitutional changes but also with the demands for dispute resolution arising from a rapidly developing society and its increasingly dynamic and sophisticated international business.

The sheer growth in litigation can be appreciated from a simple comparison between the number of cases taken before the Grand Court in 1982²⁸ (when there were 257 civil and 13 criminal/indictment cases) and those taken 39 years later in 2021 (when there were more than 1,000 civil cases [in all divisions] and 95 criminal/indictment cases).

But not even those starkly contrasting numbers explain or describe the even more phenomenal increase in the complexity of the cases coming before the courts because of the dramatically expanded financial industry's global reach in the early years of the 21st century.

This complexity is perhaps most exemplified by **AHAB v SICL and Others**.²⁹ This case,³⁰ after seven years of interlocutory hearings (each quite involved in its own right), took a full year, from July 2016 to July 2017, to be tried while dealing with a claim for US\$9.2 billion and counterclaims for US\$6 billion. This involved examining an evidentiary database of some two million documents covering 30 years of financial transactions, with testimony from dozens of witnesses. The written judgment of some of 1,345 pages discussed significant developments in the law on equitable tracing and illegality.³¹

The case of **AHAB v SICL and Others** is not unique. There have been, since the turn of the millennium, many other complex and difficult cases that have required several weeks and even months of trial.

As another such example, the infamous **Eurobank** money-laundering trial collapsed after six months of trial in 2002 when prosecutorial abuses were revealed.³²

In yet another complex money-laundering case with international ramifications, **Cash4Titles**³³ was successfully prosecuted to the conviction of one of the two defendants after another six-month trial which was brutally interrupted halfway through by the devastating hurricane Ivan in September 2004. The case eventually resumed three months later, only possible after life had returned to some semblance of normality in Grand Cayman.

²⁸ When it appears that statistics were first compiled: see The Annual Report for the Cayman Islands 1982, published by the Government of the Cayman Islands, at p103

²⁹ The first instance judgment is reported at 2018 (3) CILR (the entire volume)

³⁰ Which attracted worldwide coverage in the legal and financial journals and newspapers

³¹ See, for instance: <https://www.wilberforce.co.uk/case-study/ahab-v-sicl-ors>

³² The main judgment leading to the collapse is reported at 2002 CILR 652 (there are several other reported judgments dealing with seminal legal issues which arose before, during and after the trial). The inquiry which resulted in the main judgment, revealed a serious breach of the prosecution's duty of disclosure. As a tribute to the assiduous work of Defence Counsel in the case, led by the formidable Michael Hill QC (now deceased), a lecture entitled "The Prosecution's Duty of Disclosure – the Case for Global Standards", was given in his memory and for his able leadership of the defence in this "crushing case" by the Chief Justice at a Conference of the International Society for the Reform Criminal of the Criminal Law, in Montreal, Canada, on 12 August 2004. The foregoing description of the case was offered by Justice Michael Kirby of the Australian High in his tribute to Michael Hill QC in the Fifth Michael Hill QC Recognition Lecture: https://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirby_j_26jun05.html. And see "Bungled M16 plot led to Cayman trial collapse" The Guardian Newspaper 18 January 2003: www.theguardian.com/uk/2003

³³ **R v Tibbetts and Rowe**. Mr. Tibbetts appeal against his conviction unsuccessfully all the way to the Privy Council not on the merits but on the ground of potential bias on the part of a juror. The PC judgment is reported at 2010 (1) CILR 92. A sense of the international ramifications can be gleaned at: <http://www.sec.gov/divisions/enforce/claims/cash4.htm>

Cases have turned on the emergence of the Cayman Islands as one of the world's leading trust domiciles

In another case, this time that of **Shanda Games Ltd. v Naso Capital**, an important question in relation to the fair value of minority share interests in Cayman Islands companies has been ultimately resolved by the Privy Council.³⁴ It was decided that the Court should value the actual shareholding that the shareholder has to sell and not a hypothetical share; and, so, in the absence of special circumstances, the minority shareholder's shares should be valued as a minority shareholding and not on a pro rata basis. In effect, this case decided that an appropriate discount should be applied by the court.

Other cases have turned on the emergence of the Cayman Islands as one of the world's leading trust domiciles. In such cases, the supervisory jurisdiction of the Grand Court over trusts has become of increasing complexity and importance.

For example, frequently, applications are made by trustees to the Court to exercise an aspect of this jurisdiction for the "blessing" (or approval) of a momentous decision that the trustee is called upon to take. The principles that govern such an application were extensively re-examined and explained in **In Re A Trust**.³⁵ See, also, more recently the matter of **Emerging Markets Diversified Fund Trust**.³⁶

Judicial cooperation for the management of cross-border insolvency cases is another area of very significant engagement of judges of the Financial Services Division of the Grand Court. These cases often involve reliance on judicial comity to ensure that overseas judicial colleagues recognise the importance of the Cayman Islands as a place of incorporation of Cayman Islands companies when called upon to meet a winding-up order. A recent discussion of the applicable principle was undertaken in **In Re GTI Holdings Ltd**.³⁷

While the Courts of the Islands have always declared and enforced the fundamental human rights by reliance upon the common law principles, a new era of constitutional governance enforceable by way of access to the courts arrived with the Constitution of 2009 and the Bill of Rights that the Constitution introduced in 2012.

Early evidence of the long-lasting impact of these changes is apparent in two cases in particular. The first was **Day and Bodden Bush v the Governor and Registrar of Marriages** in which the applicants, a same-sex couple, asserted their right to marry and establish a family, relying on sections of the Bill of Rights.

While their claim to the right to marry has not been upheld by the Privy Council,³⁸ their action resulted in the promulgation by the Governor of the Civil Partnerships Act 2020 by the Governor using reserved powers under the Constitution. The use of that power for those purposes was itself the subject of an unsuccessful challenge before the Courts.³⁹

³⁴ 2020 UKPC 2

³⁵ 2019 (1) CILR 130

³⁶ FSD 82 of 2022 (DVJ) 19 May 2022

³⁷ FSD Cause 102 of 2020 (DVJ) 15 March 2022

³⁸ 2022 UKPC 8

³⁹ G0169 of 2020, judgment delivered 28 March 2022

In the second case, the provisions of section 70 of the Constitution that allow for a people-initiated referendum engaged the Courts. In **Roulstone v the Cabinet**,⁴⁰ a challenge was brought against the Referendum Act enacted by the Parliament to set the framework for a referendum on the decision of the government to construct a new port at George Town Harbour. While the challenge itself was ultimately dismissed by the Privy Council, the case also led to principles being settled by which members of the public who wish to challenge the constitutionality of government action may obtain protective costs orders from the Grand Court to limit or eliminate altogether their liability for the Government's legal costs incurred in responding to such constitutional challenges.

The misconceived investigation of Operation Tempura resulted in several actions taken before the court

But no case was more troubling than **In Re Operation Tempura**.⁴¹ This case involved archetypal abuse of police powers by members of the UK Metropolitan Police. The officers were deputised by the Governor as local special constables for what appeared to be a legitimate investigation, but which redounded in the entirely unjustified arrest and detention of a judge.

The misconceived investigation generated by Operation Tempura resulted in several actions taken before the Court, including one for false arrest and malicious prosecution, and which resulted in damages awarded by the Court.

Compensation for similar unjustified actions had to be made for the unwarranted invasion of privacy and suspension from office of the then-incumbent Commissioner of Police.

In the vastly misled process, misguided and ill-advised attempts by the investigators to seize a judicial computer from the judge's chambers were resisted and deterred. A demarche to the Courts Building led by the lead investigator was met with the convening of a meeting in chambers at which it was made clear that the business of the Courts would not be interrupted.

It goes without saying that the judge's unjustified detention was the cause of great emotional and psychological trauma for himself and his family.

The further severe impact of the resulting court case was mitigated only by the calm and firm attitude of the judge himself, the support of his colleagues, and the very experienced, capable, and unwavering team of counsel⁴² engaged to represent him.

For the local judiciary, the court case stemming from Operation Tempura was taxing not only because of its difficult and byzantine factual context and circumstances but also on account of the threat its circumstances presented to the independence of the judiciary, the rule of law, and the administration of justice.

⁴⁰ 2020 (1) CILR 224

⁴¹ Various but not all aspects of which are reported as *In Re Operation Tempura* at 2008 CILR 111; *R v Ebanks, Ex Parte Henderson* 2009 CILR 48; *R v Bridger, Coy and Acting Com Pol, ex Parte Henderson* 2009 CILR Note [4]; *R v Ex Parte Henderson* 2009 CILR 57; *AG v Bridger* 2015(1) CILR 206.

⁴² Mr. Ramon Alberga QC, instructed by Mr. Shaun McCann and Mrs. Kirsty Houghton of Campbell's



THE NEW ERA OF CONSTITUTIONAL GOVERNANCE ENFORCEABLE BY WAY OF ACCESS TO THE COURTS SAW A COURT CHALLENGE BASED ON ENVIRONMENTAL CONCERNS ABOUT THE DECISION OF THE GOVERNMENT TO CONSTRUCT A NEW PORT AT GEORGE TOWN HARBOUR.

PHOTO CREDIT: CAYMAN COMPASS

Indeed, the intrusion, if allowed, could have been very disruptive for the administration of justice itself. For instance, on the very morning of the arrest, the judge was set to try a complex multi-partite trust dispute which had to be postponed.

Fortunately, the case was quickly restored to the list upon the judge's return to duty.

The Operation Tempura experience was a salutary reminder that, even in a well-governed and stable jurisdiction, threats to the independence of the judiciary can all too readily emerge from the abuse of official power.

Public statements issued by the then-Governor, his immediate successor, and the Chief Justice, as well as further subsequent disclosures pursuant to the Freedom of Information Act provide material for a unique but revealing kind of case study.⁴³

The lasting lesson will be that "fragile bastion"⁴⁴ though the concept of judicial independence may aptly be described, the ability and readiness of the judiciary to respond to unwarranted attacks must never be underestimated.

The ability and readiness of the judiciary to respond to unwarranted attacks must never be underestimated

⁴³ Much of which information can be found in the public domain:
<https://www.caymancompass.com/tag/operation-tempura/>

⁴⁴ "Fragile Bastion: Judicial Independence in the Nineties and Beyond" publication of the Judicial Commission of New South Wales, taking its title from a lecture given by Sir Ninian Stephen and reproduced in (1982) 13 (3) Univ Melb Law Rev 334



HIS EXCELLENCY THE GOVERNOR MARTYN ROPER (RIGHT) AND STALWART SUPPORTER OF ALL THINGS JUDICIAL, RAMON ALBERGA, QC (CENTRE), JOIN CHIEF JUSTICE ANTHONY SMELLIE AT THE COURTS AT A RECEPTION FOLLOWING THE ANNUAL GRAND COURT OPENING (2022).

Legal Aid Reform



Legal Aid Reform

In 2015 there was a major reform of the Legal Aid system by the repeal of the Legal Aid Law (1999 Revision) [originally enacted as the Poor Persons (Legal Aid) Act in 1975] and its replacement by the Legal Aid Act 2015. Further amendments to the Act were at mid-2022 under review by the Hon. Chief Justice and Director of Legal Aid for the improvement of legal aid provisions.

Under the new law, legal aid applications are made to the Director of Legal Aid, instead of directly to a judge of the Grand Court. However, applicants have the right to appeal the decision of the Director to a Judge in chambers.

Legal aid remunerations rates for Listed Attorneys were also increased significantly. However, there continues a shortage of qualified criminal legal aid Attorneys, which can often cause delays in the listing of trials.

For many persons needing legal assistance, the Cayman Islands Legal Aid Clinic was established in May 2022

It was anticipated in 2022 that a proposal for amendments to the Legal Aid Act that would again include addressing legal aid rates would be placed before Cabinet. This proposal was expected to include several other amendments for the improvement of the legal aid scheme, including the promulgation of regulations.

To assuage obstacles to ready access to justice for many persons needing legal assistance, the Cayman Islands Legal Aid Clinic was established in May 2022. The clinic was established under the joint auspices of the Cayman Islands Legal Advisory Council, the Truman Bodden Law School (TBLS), and the Judicial Administration.

The clinic provides legal advice at no charge to members of the public in a range of areas of law, including civil, criminal, family, landlord-tenant, employment, immigration, and human rights.

The clinic is staffed by TBLS students who are preparing to commence their articles as part of their postgraduate professional practice (PPP) course. The students are supervised by qualified attorneys.



THE CAYMAN ISLANDS LEGAL ASSISTANCE CLINIC (CILAC) WAS OFFICIALLY LAUNCHED IN MAY 2022.

MARKING THE OCCASION, ORGANISERS AND FACILITATORS GATHERED IN THE CHAMBERS OF CHIEF JUSTICE, THE HON. SIR ANTHONY SMELLIE, THIRD FROM RIGHT, FOR A BRIEF MEET-AND-GREET.

The Appointment of Queen's Counsel



The Appointment of Queen's Counsel

In keeping with the increasing demands and sophistication of the business coming before the Courts, the need to recognise and appoint Queen's Counsel from among the more experienced and talented advocates at the bar also became apparent.

This is conducted by means of a local process adopted for the appointment of Queens' Counsel from among senior, long-serving, respected, and distinguished members of the legal fraternity who are invited by the Chief Justice to apply. This is preceded by an internal process of consultation with the judges.

After this process is engaged and following initial consultation with the Governor, written applications are invited from the candidates identified as then most suitable for appointment.

Final recommendations are then made by the Chief Justice to the Governor, who then makes his or her recommendations to the Secretary of State for Foreign and Commonwealth Affairs. In turn, after formal background checks, the Secretary of State transmits the recommendations to Her Majesty the Queen for acceptance.

All of these steps are conducted on the basis of formal prescribed guidelines for appointments in the Overseas Territories.

The first appointment from the Cayman public bar was made in 1982⁴⁵ and the first from the private bar came fully two decades later in 2002.⁴⁶ Since then, there have been 18 appointments, bringing the total to 22 as at mid-2022. Each appointment is formalised by a ceremony of "Call to the Inner Bar" of the Grand Court.

The first appointment from the Cayman public bar was made in 1982

⁴⁵ When Mr. Michael Bradley QC, then the Attorney General and later Governor of the Turks and Caicos Islands, was appointed

⁴⁶ When Mr. Andrew Jones QC was appointed (later appointed as a judge of the FSD where he served from 2009-2017)



SWEARING-IN OF NEWLY APPOINTED
QUEEN'S COUNSEL ON FRIDAY, 3RD
SEPTEMBER, 2021, WITH THEIR
NOMINATORS.

THE NEW QUEEN'S COUNSEL ARE, FRONT,
LEFT, RACHEL REYNOLDS, COLETTE ANN
WILKINS AND, THIRD AND SECOND FROM
RIGHT, RESPECTIVELY, SOLICITOR GENERAL
RESHMA SHARMA AND FORMER PREMIER
MP ALDEN MCLAUGHLIN.

MISSING FROM THE PHOTO IS THE FIFTH
QC AMONG THE NEW QC APPOINTEES AT
THE TIME, MAC WEBSTER IMRIE.

(PHOTO CREDIT: BINA MANI, GIS)

Judicial Continuing Education and Outreach



Judicial Continuing Education and Outreach

The benefits of continuing education have long been recognised by the Cayman judiciary, with its decades-long practice of attendance at seminars and conferences, both at home and abroad. As well as participating as observers, Cayman attendees have delivered many papers and speeches.⁴⁷

With the increase in size and widening expertise of the judiciary, a decision was taken in 2011 to establish a continuing judicial education programme. As an integral part of the initiative, the Judicial Education Committee⁴⁸ (JEC) was established.

The JEC's first event was a seminar of training in 2012, in anticipation of the commencement of the Constitutional Bill of Rights. The presenter was the distinguished human rights lawyer, Dr. the Hon. Lloyd Barnett, OJ.

Singapore in October 2016.⁵³ The JIN Guidelines for Communication and Cooperation between Courts in Cross-Border Insolvency Matters, to which the Cayman judiciary has contributed, have been adopted by the Courts' FSD.⁵⁴

In April 2022, Magistrate Angelyn Hernandez, in her capacity as Coroner, hosted a seminar for emergency response personnel regarding their mutual responsibilities for prompt and humane resolutions in instances of sudden death.

A decision was taken in 2011 to establish a continuing judicial education programme

Since then, the JEC has organised and presented the Annual Grand Court Distinguished Guest Lecture⁴⁹ series, in addition to several seminars, workshops, and conferences. These have included workshops on civil and criminal case management and judgment writing,⁵⁰ regional judicial colloquia in conjunction with the Institute of Insolvency Practitioners (INSOL) in November 2013, and in November 2020 on insolvency law and practice. Another notable workshop was that initiated on anti-money laundering and anti-terrorist financing measures.⁵¹

As part of its ongoing educational and outreach remit, the judiciary became a founding member in 2017 of the Standing International Forum of Commercial Courts (SIFoCC)⁵² and of the Judicial Insolvency Network (JIN), inaugurated in

⁴⁷ A number of papers and speeches may be found at www.judicial.ky/publications

⁴⁸ Formally announced and launched in 2016

⁴⁹ Delivered over past years by Rt. Hon Lord Justice Matthew Thorpe (Justice of Appeal E&W) May 2011; Michael Todd QC Chairman of the Bar of England and Wales, August 2012, Dr. Prof William Gilmore (Dean Emeritus University of Edinburgh School of Law) August 2013; Maura McGowan QC, (now Justice Dame McGowan of the High Court E&W) April 2014; Lord Justice Jonathan Mance PC, QC, Justice of the Supreme Court of England and Wales, April 2015; Justice Sir Richard Snowden (High Court E&W) Dec 2016; Rt. Hon Lord Thomas of CWMGIEDD, Lord Chief Justice of England and Wales, March 2017; Lord Justice Scott Baker of the Court of Appeal E&W retired), President of the Court of Appeal, Bermuda March 2019; and, in April 2022, Lady Arden of Heswall, DBE, a former Justice of the UK Supreme Court and the Judicial Committee of the Privy Council. The Lectures may be found at www.judicial.ky/publications/.

⁵⁰ Led by Justice Dame Linda Dobbs (former Justice of the High Court E&W, Acting Judge of the Grand Court and Director for training at the Judicial Institute for Africa, based at the University Of Cape Town, South Africa, where she is an honorary professor

⁵¹ In 2020-2021, led by Judge Michael Hopmeier

⁵² Represented by the Chief Justice and Justice Segal at the inaugural meeting in London in May 2017, and by a delegation of those judges as well as the Court Administrator and the Clerk of Court at the second meeting in New York in September 2018. For more on the work of SIFoCC: www.sifocc.org

⁵³ Justices Segal and Kawaley have represented the Cayman judiciary at JIN Meetings and through them contributions have been made to the development of the JIN Guidelines

⁵⁴ The JIN Guidelines as adopted by the FSD can be found at <https://www.judicial.ky/courts/grand-court/practice-directions>



LADY ARDEN OF HESWALL, DBE, RETIRED JUSTICE OF THE SUPREME COURT OF ENGLAND AND WALES AND THE PRIVY COUNCIL, WAS THE KEYNOTE SPEAKER AT THE 2022 DISTINGUISHED LECTURE SERIES AT THE GRAND COURT, INITIATED BY THE JUDICIAL EDUCATION COMMITTEE (JEC). THE CHIEF JUSTICE, THE HON. SIR ANTHONY SMELLIE, SPEAKS BRIEFLY BEFORE LADY ARDEN DELIVERS HER ADDRESS.

PHOTO CREDIT: CAYMAN COMPASS



THE CONFERENCE OF CARIBBEAN HEADS OF JUDICIARY (CAJO), THE GROUND-BREAKING REGIONAL TRAINING ORGANISATION, EVOLVED FROM A MEETING OF REGIONAL CHIEF JUSTICES AND HEADS OF JUDICIARIES IN GRAND CAYMAN IN 2007.

CAJO HAS GONE ON TO BECOME A DRIVING FORCE FOR INNOVATION IN THE ADVANCEMENT OF THE ADMINISTRATION OF JUSTICE. CHIEF JUSTICE ANTHONY SMELLIE IS THIRD FROM LEFT IN THIS GROUP OF HEADS OF JUDICIARIES PICTURED AT THE 2019 CAJO CONFERENCE IN BELIZE.

The collaborative meeting was part of the “Lunch-and-Learn” seminars, a regular feature introduced by Judicial Administration on matters of interest among various legal, judicial, government, and community stakeholders.

In the same spirit of outreach and co-operation, earlier in 2007 the Cayman Judiciary hosted, in its turn, a meeting of the Caribbean Heads of Judiciaries (**HoJs**), the standing conference of regional heads of judiciaries that includes the President of the CCJ. A more recent meeting of the HoJs was hosted, also in the Cayman Islands, in July 2022.

The JEC has been replaced by a foundation to promote and support judicial and legal education and training

Subsequent to a resolution made at the 2007 HoJ Conference, the Caribbean Association of Judicial Officers (**CAJO**), was introduced in June 2009.

CAJO offers membership to the region’s chief justices, judges, magistrates, masters, tribunal members, registrars, executive court administrators, and many other ranks of court officials as defined in the constitution of the organisation.⁵⁵ Cayman judicial officers are active members of CAJO, and a large delegation attended the last meeting in Belize in 2019.

At the November 2021 virtual meeting of the Conference of Chief Justices and Heads of Judiciaries of the Caribbean and Bermuda, Chief Justice Anthony Smellie was designated to host the 2022 HoJ conference. That meeting took place in the Cayman Islands, 28-30 July 2022.

In other regional initiatives, in July 2013 the Cayman Judiciary hosted the Caribbean Association of Law Librarians of which our former librarian Mrs. Beverley Speirs, who retired in 2022, is a senior member.

The Cayman Judiciary are also longstanding members of the Commonwealth Magistrates and Judges Association (**CMJA**), the pre-eminent Commonwealth association of judicial officers of which Her Majesty the Queen is patron. Justice Richard Williams was appointed in July 2013 as the Caribbean Regional Vice-President.

In mid-August 2022, the JEC was replaced by the Cayman Islands Judicial and Legal Education Foundation (**CJLEF**), established to promote and support the educational and training needs of judicial officers, court administrative staff, and members of the legal profession.

⁵⁵ www.thecajo.org



THE REGIONAL HEADS OF JUDICIARIES ATTENDING THE CONFERENCE OF CHIEF JUSTICES AND HEADS OF JUDICIARIES IN THE CAYMAN ISLANDS, 28-30 JULY 2022, ARE, FROM LEFT, PRESIDENT ADRIAN SAUNDERS, THE CARIBBEAN COURT OF JUSTICE (CCJ); CHIEF JUSTICE MICHELLE ARANA, BELIZE; CHIEF JUSTICE NARINDER HARGUN, BERMUDA; CHIEF JUSTICE SIR PATTERSON CHELTENHAM, BARBADOS; CHIEF JUSTICE SIR ANTHONY SMELLIE, CAYMAN ISLANDS; AG. CHANCELLOR OF THE JUDICIARY OF GUYANA YONETTE CUMMINGS-EDWARDS; CHIEF JUSTICE IAN WINDER, THE BAHAMAS; CHIEF JUSTICE MABEL AGYEMANG, THE TURKS AND CAICOS ISLANDS; CHIEF JUSTICE IVOR ARCHIE, TRINIDAD AND TOBAGO; AND CHIEF JUSTICE BRYAN SYKES, JAMAICA.

PHOTO CREDIT: BINA MANI, CAYMAN ISLANDS GOVERNMENT INFORMATION SERVICES.

Committees, Councils, and Statutory Authorities



Committees, Councils and Statutory Authorities:

Established for the Ongoing Work of Justice Reform

The administration of justice is a constant work in progress. In Cayman, where the responsibility for the progression of this crucially important work falls directly upon the judiciary and administrative staff, much depends upon their ability to collaborate with extra-mural stakeholders for the identification and implementation of necessary reforms.

There has been marked success over the years in this endeavour such that there are now some 11 established boards and committees who meet regularly for the examination and advancement of rules and practices:

- The **Criminal Justice Reform Committee (CJRC)**, chaired by Hon. Justice Cheryl Richards, QC⁵⁶ has representatives from the public and private criminal bars, the Truman Bodden Law School (TBLS), the Royal Cayman Islands Police Service (RCIPS), the Probationary and Drug Counselling Services and HM Prisons.

Among the work undertaken by this Committee is the adoption and adaptation of the UK Sentencing Council Guidelines into local Sentencing Guidelines for issuance by the Chief Justice. Several subject matters have already been covered, expanding upon the Sentencing Guidelines issued by the Chief Justice on 16 January 2002.⁵⁷

This Committee, as its name implies, also advises on other areas of criminal justice reforms, and most recently gave input for the Criminal Procedure Rules 2019 (CPR 2019), which have served to modernise the management of criminal cases coming before the Courts at all levels.

- The predecessor of the CJRC was the **Sentencing Advisory Committee (SAC)**, established and chaired by the Chief Justice in 1999. Its membership comprised 25 representatives from all public interests, including the Magistracy, the Chamber of Commerce, the Churches, the law enforcement agencies and legal community, Justices of the Peace, and Public Health and rehabilitative services. In October 2000 the SAC produced its report which advocated for restorative justice, and which informed the enactment of the Alternative Sentencing Act 2006 and the Drug Rehabilitation Court Act and Rules 2007.

- The **FSD Users Committee**, chaired by Justice Nick Segal (in succession to Justices Angus Foster and Sir Peter Cresswell), includes representation from a broad cross-section of FSD stakeholders, including the commercial bar, the Recovery and Insolvency Specialists Association (RISA), the Chamber of Commerce, the Attorney General's Chambers, and the Cayman Islands Monetary Authority. It advises on the improvement of rules and practices for the work of the FSD and has published a comprehensive User's Guide which is regularly updated.⁵⁸

⁵⁶ Who succeeded her eminent predecessor Justice Charles Quin, of blessed memory

⁵⁷ All available at www.judicial.ky/guidance

⁵⁸ Available at www.judicial.ky/guidance

- The **Grand Court Rules Committee**, convened pursuant to section 19 of the Grand Court Act, is the longest standing of the committees. It is chaired by the Chief Justice, the other members being the Attorney General⁵⁹ and two attorneys selected by the Chief Justice, usually from among active practitioners.⁶⁰

Its most seminal and important work, the Grand Court Rules (**GCR**), was first published in 1995⁶¹ and have been revised in 2003 and 2014, as well as amended and expanded by new Orders and rules.

The GCR are based upon the old Rules of the Supreme Court of England and Wales (**RSC**), a policy decision having been taken by the GCR Committee not to adopt the current Civil Practice Rules of England and Wales⁶² (**CPR**) because of their unsuitability for the kind of cross-border litigation which involves most commercial cases coming before Grand Court, especially before the FSD.

The Overriding Objectives of the CPR have, however, been adapted for inclusion in the GCR, and as explained in the case law, have worked well alongside the rules of the GCR generally to ensure that “every cause or matter (is dealt with) in a just, expeditious, and economical way”

The GCR Committee’s most recent works were the final vetting and publication of the CPR 2019 and the amendment to Orders 5, 63, and 67, to provide for a modern procedure for e-filing of proceedings (Orders 5 and 63) and for the institution of disciplinary proceedings against attorneys-at-law (Order 67). These amendments are supported by practice directions issued by the Chief Justice.

The GCR Committee, through the Chief Justice, by convention also provides advice at the request of the President and Justices of the Court of Appeal for the work of the Rules Committee of that Court, which is established under section 35 of the Court of Appeal Act.

- The **Family Law Practice Committee** is chaired by Justice Williams and comprises membership from the family bar. This is a relatively new committee that has so far advised upon the adoption of various practice directions, which are among the several issued⁶³ in relation to this important area of practice.

- The **Insolvency Rules Committee** is chaired by Justice Segal and has a membership appointed in keeping with section 154 of the Companies Act from among the public and private bars as well as the wider financial services industry. Its functions are prescribed under section 155 and include the making of rules and prescribing of forms for the purposes of giving effect to Parts IV (e.g., Arrangements and Reconstructions), V (Winding up of Companies and Associations), and XVI (Merger and Consolidation) of the Act.

⁵⁹ At present the Hon Samuel Bulgin QC

⁶⁰ At present Mr. Colin McKie QC and Mrs. Colette Wilkins

⁶¹ Replacing the Grand Court Civil Procedure Rules

⁶² Based upon the Woolf Reforms

⁶³ And available at www.judicial.ky/guidance

- The **Summary Courts Criminal Justice Users Committee** is chaired by Chief Magistrate Valdis Foldats and has representation from a wide cross-section of stakeholders having business before those Courts, including the RCIPS, HM Prisons, the Criminal Defence and Prosecution lawyers, the Probationary Services, the Department of Children and Family Services, and other counselling services and health care practitioners.

An early meeting of this Board, which also serves as a kind of users' committee, led to the issuance of Practice Directions in 2015⁶⁴ and its remit continues for the provision of advice on the ongoing improvement of the work of the Summary Courts.

- The **Consulting Editors for the CILRs**, Mr. Ramon Alberga, OBE, QC, MA; Mr. Colin McKie QC, MA; and Justice Alexander Henderson (r'td) QC, BA, LLB (Hons), have for many years served as the primary editors by selecting and advising on the judgments to be reported.

A special note of thanks must be recorded here for the wonderful work of Mr. Alberga, especially, who was one of the original proposers for the creation of the CILRs and whose law library was the seminal source of judgments for the first edition covering the years 1952–1979. Mr. Alberga has served continuously as consulting editor for 36 years since 1984 when publication began (for most of that time along with Dr. Alan Milner, the editor-in-chief and publisher, who retired in 2015).⁶⁵

- The **Legal Advisory Council** is established under the Legal Practitioners Act and has responsibility for oversight of the Truman Bodden Law School (TBLS) and its law students and articled clerks. The Council is also responsible, in consultation with Cabinet, for the promulgation of regulations for the practice of Cayman Islands laws generally.

The Council also has responsibility to advise Cabinet on a system of law reporting and in that capacity has oversight responsibility for the publication of the CILRs which is funded by the Judicial Administration. The Council is chaired by the Chief Justice and its membership includes the Attorney General and two attorneys-at-law who represent the private bar. The Director of the TBLS serves by invitation as secretary.

Under the Legal Services Act 2020⁶⁶ the nomenclature for "Board", chaired by the Chief Justice,⁶⁷ was changed to "Council". The Act was in mid-2022 in the process of being brought into effect.

It is anticipated that the Council will continue to have regulatory oversight as well as responsibility for the discipline of the Legal profession.

Notably, since 1969 when the Legal Practitioners Act was enacted, discipline of the legal profession had been vested in the judges of the Grand Court. A right of appeal on disciplinary matters would lie directly to the Court of Appeal.

⁶⁴ Available at www.judicial.ky/guidance, recently updated by Practice Direction of 2019

⁶⁵ And who has been succeeded by Ms. Sarah Snell, B.A. M.Sc.

⁶⁶ Available at www.gazettes.gov.ky

⁶⁷ And proposed to include the Attorney General and two retired legal practitioners. The Chief Justice has advised that the composition of the Board be expanded to include two active practitioners as well. It has been further advised that the functions of the Board for discipline as proposed in the Bill to include (i) receipt of complaints, (ii) investigation, (iii) the laying of charges as well as (iv) trial of charges be separated so that (i), (ii) and (iii) be undertaken by a separate body so that (iv) might properly be undertaken by the Board without there being any real or perceived appearance of bias or lack of objective independence on the part of the Board as tribunal.

- The **Cayman Islands Judicial and Legal Education Foundation (CIJLEF)**: Since August 2022, the CIJLEF has replaced the Judicial Education Committee (JEC).
- The **Panel of Guardians Ad Litem** is appointed by the Governor-in-Cabinet after consultation with a panel committee formed under section 4 of the Guardian Ad Litem Children Regulations.⁶⁸ The panel is established to safeguard the interests of children in litigation in matrimonial or public law care proceedings. The panel is administered through the Judicial Administration, which is responsible, among other duties, for the training of its members. The panel is chaired by Justice Richard Williams.

More than US\$30 million in assets has been seized by the Cayman Islands under the MLAT

- The **Mutual Legal Assistance (United States of America) Law and Treaty (MLAT)**, uniquely among the Islands' formal treaty arrangements, is administered through the Courts, with the Chief Justice appointed as the Mutual Legal Assistance Authority pursuant to section 4 of the Act.

The Chief Justice is assisted by counsel from the Offices of the Solicitor General and DPP, in the role of amicus.

Since implementation in 1990,⁶⁹ assistance to the United States has been rendered in response to 297 requests. The Cayman Islands has received assistance pursuant to the MLAT from the U.S.A. in response to 32 requests.

More than US\$30 million in assets have been seized by the Cayman Islands authorities pursuant to requests under the MLAT and shared with or returned to the United States, in the latter instances for the compensation of victims of crime.

A marked consequence of the success of the MLAT (and by implication of the effectiveness of the Islands' law enforcement and regulatory systems) is the reduced number of requests in recent years, the absence of any requests involving drug trafficking, drug-money laundering, or terrorism financing.

⁶⁸ Promulgated pursuant to section 43(7) of the Children Law (2012 revision). The panel committee was most recently chaired by Justice Williams

⁶⁹ Although the MLAT was signed in 1984 (Full Title: A Treaty With The United Kingdom Concerning The Cayman Islands Relating To Mutual Legal Assistance In Criminal Matters, it was not ratified by the USA until 24 October 1989

Judiciary and Administrative Staff



Judiciary and Administrative Staff

Justices and Magistrates



CHIEF JUSTICE THE HON. SIR ANTHONY SMELLIE KCMG, QC
JP, LLD (HC) (Liverpool); LLB (HONS) (UWI) CLE

Court of Appeal



THE RT HON. SIR JOHN GOLDRING
PC, QC, PRESIDENT



THE RT HON. JUSTICE SIR BERNARD RIX
PC, QC



THE HON. JUSTICE JOHN MARTIN
QC



THE RT HON. SIR RICHARD FIELD
QC

Court of Appeal



THE HON. JUSTICE C. DENNIS MORRISON
QC



THE RT HON. SIR ALAN MOSES
PC, QC



THE RT HON. SIR JACK BEATSON
PC, QC



THE HON. SIR MICHAEL BIRT
QC

Grand Court



THE HON. JUSTICE RICHARD WILLIAMS



THE HON. JUSTICE NICHOLAS SEGAL



THE HON. JUSTICE IAN KAWALEY



THE HON. JUSTICE RAJ PARKER

Grand Court



THE HON. JUSTICE CHERYLL RICHARDS
QC



THE HON. JUSTICE MARGARET RAMSAY-HALE



THE HON. JUSTICE DAVID DOYLE

Panel of Acting Grand Court Judges

JUSTICE CAROL LAWRENCE-BESWICK

(first appointed to the panel on 6 August 2012)

Justice Lawrence-Beswick's permanent appointment is as a Judge of the Supreme Court of Jamaica.

JUSTICE MARVA MCDONALD-BISHOP

(first appointed to the panel on 6 May 2013)

Justice McDonald-Bishop was a Judge of the Supreme Court of Jamaica and is now a Justice of Appeal of the Court of Appeal of Jamaica.

JUSTICE PATRICK BROOKS

(first appointed to the panel on 17 June 2014)

Justice Brooks has been President of the Court of Appeal of Jamaica since 7 December 2020.

JUSTICE TIM OWEN, QC

(first appointed to the panel February 2015)

Justice Owen serves as a Deputy High Court Judge for England and Wales, assigned to the Administrative Court. Justice Owen is also a practising barrister.

JUSTICE FRANCIS BELLE

(first appointed on the panel 3 August 2015)

Justice Belle is now a Justice of the Court of Appeal in Barbados. Justice Belle was formerly the Head of the Criminal Division of the High Court in Saint Lucia.

AG. JUSTICE MICHAEL WOOD, QC

(first appointed to the panel 26 September 2016)

Ag. Justice Wood is a recorder of the High Court of England and Wales and is a practising barrister.

JUSTICE DAME LINDA DOBBS, DBE, QC

(first appointed to the panel on 7 November 2016; now recently retired from the panel)

Justice Dame Linda Dobbs is a retired High Court Judge in England and Wales.

JUSTICE PHILIP ST. JOHN-STEVENS

(first appointed to the panel on 30 January 2017)

Justice St. John-Stevens is a Judge of the High Court of England and Wales, where he is assigned to the Criminal Division.

JUSTICE MARLENE CARTER

(first appointed to the panel on 12 June 2017)

Justice Carter was appointed as a Puisne Judge of the Eastern Caribbean Supreme Court in January 2014. She formerly served in the office of the director of public prosecutions in Trinidad and Tobago and has served at both the public and private bar in the Cayman Islands.

Panel of Acting Grand Court Judges

AG. JUSTICE MAGISTRATE KIRSTY-ANN GUNN

(first appointed to the panel on 12 June 2017)

Ag. Justice Magistrate Kirsty-Ann Gunn practised in the UK for seven years before serving (2006-2010) as Crown Counsel in the Cayman Legal Department followed by two years in Bermuda. She became a local Magistrate in 2012.

JUSTICE ROGER CHAPPLE

(first appointed to the panel on 10 November 2017; recently retired from the panel)

After 20 years in practice in London, Justice Roger Chapple was appointed Assistant Judge Advocate General of Her Majesty's Forces. In 2004 he was appointed a Circuit Judge and a Senior Circuit Judge in 2007.

JUSTICE CARLISLE GREAVES

(first appointed to the panel on 22 May 2018)

Justice Carlisle Greaves currently serves as a Puisne Judge on a part-time basis in the Bermuda Judiciary. Before retiring in 2016 he was Puisne Judge there for over ten years. Justice Greaves also now serves as a Judge of the Supreme Court of Barbados.

JUSTICE FRANK WILLIAMS, OJ

(first appointed to the panel on 3 September 2018)

Justice Frank Williams was a Puisne Judge in Jamaica for eight years before he began serving as a Judge of Appeal in Jamaica in 2016.

JUSTICE DALE PALMER

(first appointed to the panel on 25 August 2021)

Justice Palmer serves on the Supreme Court of Jamaica.

AG. JUSTICE ALISTAIR WALTERS

(first appointed to the panel on 25 October 2021)

Ag. Justice Walters was a managing partner at local law firm Campbells.

JUSTICE AILEEN DOWNEY

(first appointed to the panel on 5 July 2022)

Justice Aileen Downey was appointed as a Circuit Judge in England and Wales in 2014. She currently sits at West London Family Court.

AG. JUSTICE SIMON RUSSELL FLINT, QC

(approved for acting as a Grand Court Judge but not yet sworn in)

Justice Flint has carried out both prosecution and defence work in all aspects of the criminal law. He has been instructed by the local Office of the Director of Public Prosecutions for cases here in Cayman on a number of occasions.

Magistrates



THE HON. CHIEF MAGISTRATE VALDIS FOLDATS



THE HON. CHIEF MAGISTRATE NOVA HALL*



THE HON. MAGISTRATE KIRSTY-ANN GUNN



THE HON. MAGISTRATE ANGELYN HERNANDEZ

* Nova Hall retired from an illustrious judicial career in January 2021 having served as Chief Magistrate since 1st January 2020 and with the Cayman Judiciary since 1st September 1994

Magistrates



THE HON. MAGISTRATE PHILIPPA MCFARLANE



THE HON. MAGISTRATE VANESSA ALLARD

Panel of Acting Magistrates



AG. MAGISTRATE ADAM ROBERTS



AG. MAGISTRATE ROBERT JONES



AG. MAGISTRATE DAVID MCGRATH

Administration Team



FROM LEFT TO RIGHT:

ELMORE CHRISTIE
HEAD OF SECURITY

KATHLEEN BROWN-GREMLI
FINANCIAL CONTROLLER

DAVE BAILEY
CHIEF HR OFFICER

NATASHA SCOTLAND
DEPUTY CHIEF OFFICER

SUZANNE BOTHWELL
COURT ADMINISTRATOR
& CHIEF OFFICER

PATRICIA PALMER
JUDICIAL ADMINISTRATIVE
AFFAIRS MANAGER

PETER FABBRI
FACILITIES MANAGER

VENNESSA SCOTT
PA TO COURT ADMINISTRATOR

BEVERLEY SPEIRS
LIBRARIAN

The Judicial Administration supports the judiciary in the administration of justice. In delivering service, our staff take pride in our ability to provide timely and effective support to the judiciary whilst striving to meet the needs of our court users in a compassionate manner. The framework that guides us is found in both our Mission Statement and the Civil Service Strategic Values.

Clerk of Court Team



FROM LEFT TO RIGHT:

MATTHEW BERRY

**KIMBERLEY
ROBINSON-WALCOLM**

LORETTA SCOTT

SHIONA ALLENGER
CLERK OF COURT

LENETA WEBSTER

JUANA AMADOR

The Office of the Clerk of Court was created under the Grand Court Act that discharges several statutory functions to support the administration of justice.

The Clerk of Court is supported by Deputy Clerks, together overseeing all registries within the courts that receive and process court filings.

Other responsibilities include providing case progression support to the judiciary, court listing, quality control, statistical reporting, and oversight of notaries public and Justices of the Peace.

Court Reporters



FROM LEFT TO RIGHT:

KAREN MYREN
SUPERVISOR

CAROL ROUSE

KAREN WOON-SAM
COTTERELL

STACY-ANN GRAY

The primary role of a court reporter is to record proceedings in the Grand Court (Criminal Division), providing specialised essential service to both judiciary and litigants.

The resulting court transcripts are used mainly to support appeals to the Court of Appeal. Court transcripts are also invaluable in assisting the court and counsel in the event of retrials.

Civil Registry Team



FROM LEFT TO RIGHT:

CASSANDRA COLE

BETHANY MCLAUGHLIN

NATASHA MIILLWOOD

DEVON GOW

SUPERVISOR

ELISA LESLIE

BRIDGET CLARE

FSD REGISTRAR

JENESHA SIMPSON

The Civil Registry encompasses the General Civil Division including Admiralty, Financial Services Division, the Family Proceedings Unit, Probate and Administration, Foreign Process, Constitutional Motions, and the Court of Appeal.

The primary responsibilities of the Registry are to receive and vet all non-criminal documents for compliance with laws, regulations, and procedures. These include writs, summonses, petitions, judicial review applications, complaints, family matters (including children matters), probate and administration, and foreign processes. While stopping short of offering legal advice, the Registry provides general guidance on administrative processes.

The staff of the Registry ensures that all filings are in keeping with the rules of courts, and that processes and procedures comply with the Grand Court Rules and Practice Directions.

These functions extend to matters in the Summary Court, the Grand Court, and the Court of Appeal.

Criminal Registry Team



FROM LEFT TO RIGHT:

AZIZA LAPIERRE

MONIQUE BROWN

JHANNAYE BODDEN

CECILE COLLINS
DEPUTY CLERK OF COURT

KATRINA WATLER
DRUG COURT REHABILITATION
COORDINATOR & ACTING
SUPERVISOR (2021)

OPAL ERSKINE
SUPERVISOR (2021)

JULISSA BROWN

The objective of the Criminal Registry is to provide effective and efficient administrative support to the judiciary, administration, and users of the courts. The Criminal Registry is responsible for all matters criminal, including traffic matters, heard in the Grand Court and Summary Court.

The primary responsibilities of the Criminal Registry team are to receive documents filed by external agencies such as the Royal Cayman Islands Police, Cayman Border Control, Office of Public Prosecution, and any other enforcement agency of the Cayman Islands Government. However, members of the Criminal team must themselves action and dispose of hundreds of cases daily.

In the process, as every sentence is different, the team is required to review each case file, carefully acknowledging the task to be completed. Notably, while the court may dispose of a case, there is always the possibility of the matter returning for hearings for other reasons, as directed by a court.

Court Funds and Finance Team



FROM LEFT TO RIGHT:

JAIRIA BARTON

COURT FUNDS MANAGER

KATHLEEN BROWN-GREMLI

FINANCIAL CONTROLLER

APRIL LINTON

ROSEITA EBANKS

JANWANDA DEWAR

GLORIA MITCHEL

CHARMAINE BODDEN

MANAGER, PAYABLES

TRACEY ANNIFORD

VALERIE POWERY

The role of the Finance Unit is to oversee financial planning and management activities, including budgeting and forecasting and reporting and compliance while assuring transactional value-for-money.

The Finance Unit provides financial support for all other sections within Judicial Administration. This includes oversight of the administration's assets, the timely payment of goods and services, and the daily collection of various fees and court fines. This extensive role includes the administration of Court Funds.

The Finance Unit ensures that in all financial transactions there is compliance with all relevant legislation, including the Public Management and Finance Act, the Financial Regulations, and the Procurement Act.

The Finance Unit is also responsible for the preparation and monitoring of the annual budget, financial reports showcasing actual performance, and forecasts and trends. The unit provides monthly, quarterly, and annual financial statements, and makes recommendations to the Court Administrator on various finance-related matters.

Family Proceedings Unit



FROM LEFT TO RIGHT:

SHERON CAMPBELL
SUPERVISOR

LOURDES PAZ

CARLENE LINDSAY

JENESHA SIMPSON
DEPUTY CLERK OF COURT

The Financial Proceedings Unit provides services in family matters, including domestic violence cases. Some of the applications that can be made within the unit are Financial Provision Orders for children and/or spouses, Attachment of Earnings Orders, Contact Orders, Residence Orders, Specific Issue Orders, Prohibited Steps Orders, and Protection Orders.

Human Resources Team



FROM LEFT TO RIGHT:

TATIANA HODGSON

DAVE BAILEY

CHIEF HR OFFICER

DELIA HYDES

The role of the Human Resources team is to support the Chief Officer (Court Administrator) and Judicial Administration managers and staff in delivering the objectives of the organisation. The HR team achieves this by the provision of professional guidance, advice, support, and leadership in the development and delivery of operational and strategic human resources.

As part of this support, the team provides a comprehensive range of human resources services, training, and advice on applicable policies and laws governing the civil service and on the Judicial Administration's mission and strategies. Overall, this is achieved by the formulation, implementation, and oversight of HR best practices to meet short- and long-term organisational needs.

Information Technology Team



FROM LEFT TO RIGHT:

PARKER ROSS

JUAN TERC

ANDREW DOUSSEPT

IT MANAGER

SHARDON NELSON

JORDAN GENERAL

(NOT PICTURED)

INTERN

The IT Department supports Judicial Administration, inclusive of the Courts, by providing a secure and managed environment in which to run critical IT servers and the network infrastructure. The department's primary function is to ensure that the network runs smoothly.

The IT Department also oversees the installation and maintenance of computer systems/hardware/software and any other IT-related services within the organisation.

The IT team also oversees disaster recovery and other business continuity solutions and works with other IT partners to ensure that Judicial Administration operates a safe and robust cyber environment that supports all our e-solutions.

Legal Aid Team



FROM LEFT TO RIGHT:

MONIQUE BARRETT

KIMBERLEY DIXON

STACY PARKE

DIRECTOR OF LEGAL AID

ELIZABETH WEBB

The post of Legal Aid Director is prescribed in the Legal Aid Act, 2015. Headed by a director, the office is designed to balance the rights of persons to publicly aided legal advice and representation against accountability for the expenditure of public funds for this purpose.

The formalisation of this office has proven beneficial to the extent that Judicial Administration has been able to expand its legal aid services to the public. This expansion is due to achieving a more consistent and more prompt turnaround of applications and claims. In addition, the public has daily access to knowledgeable staff and readily accessible avenues for necessary reconsideration and appeals.

As a developing agency, the Legal Aid Department's success is an important factor in the Islands' continued stability and economic growth, given its goal that all qualifying persons have an opportunity to access justice. Funding for these services must therefore remain at the forefront of Legislators' minds.

Court Marshals



FROM LEFT TO RIGHT:

AKEEM HYDOL

NORA EBANKS

BRADLEY ROBINSON

DANIELLE JACKSON

KEON RAMOON

JOSEN EBANKS

ACTING CHIEF MARSHAL

SUSAN BODDEN

A uniformed branch of Judicial Administration, Court Marshals ensure the smooth running of courts and provide security (in conjunction with Court Security Officers) for judges and magistrates.

Court Marshals are the prime means of communication between the court-in-session and court users, generally overseeing order in the courtroom, on some days supporting 13 active courts.

Personal Assistants



FROM LEFT TO RIGHT:

SHENEEN POWELL

FAITH MANVILLE

JOANNE COX

SUZETTE PRYCE

PATRICIA PALMER

JUDICIAL ADMINISTRATION
AFFAIRS MANAGER

TISHONA WELCH

KIMBERLEY

ROBINSON-WALCOLM

VENNESSA SCOTT

Personal Assistants provide key administrative support to Judicial Administration. Some Personal Assistants support the judiciary directly in the preparation of judgments and day-to-day logistical case support.

Other Personal Assistants provide administrative support to senior management in the day-to-day management of the organisation. These key staff are invaluable, highly skilled members of staff who serve our judiciary and court users in an exceptional manner.

Newly Appointed Permanent Staff



FROM LEFT TO RIGHT:

KAREN HOSKINS

SANDRA WHITE

GABRIELLE DAVID

VICTOR VILLARIN

BERNARD DOUGLAS

ALICIA CONNOLLY

JONASSI SWABY

MERRIAM JENNINGS

As at May 2022 the Judicial Administration welcomed eight new permanent members of staff across several teams.

Temporary Staff and Interns



FROM LEFT TO RIGHT:

KAMEKA MALABRE

VALERIE POWERY

APRIL LINTON

TRACEY ANNIFORD

SANDRA WHITE

MATTHEW BERRY

GABRIELLE DAVID

MONIQUE BARRETT

JUANA AMADOR

LENETA WEBSTER

Temporary staff and interns fill urgent needs for professional services, oftentimes on a short-term basis.

Newly Appointed Temporary Staff



FROM LEFT TO RIGHT:

TWILA ESCALANTE

NICHOLAS BODDEN

JODI LORIMER

Three among the ranks of new temporary staff at Judicial Administration, as at May 2022.

Management Staff



SUZANNE BOTHWELL | COURT ADMINISTRATOR (CHIEF OFFICER)

The Court Administrator is the administrative head of the organisation and supports the Office of the Chief Justice to ensure good maintenance of Judicial Administration.

The office of the Court Administrator oversees all civil service staff and also acts as the Chief Officer under the Public Service Management Act where the post holder has delegated responsibilities over the employment of civil servants.

Likewise, as Chief Officer under the Public Finance Management Act, the postholder discharges specific financial obligations in support of good governance.

Suzanne Bothwell has served as Court Administrator and Chief Officer since 2016. She has been an attorney-at-law since 2000 and has served with the Portfolio of Legal Affairs as Senior Crown Counsel. During the period 2007-2009 she was Director of the Constitutional Review Secretariat.



NATASHA SCOTLAND | DEPUTY CHIEF OFFICER

The Deputy Chief Officer (DCO) supports the Court Administrator in delivering the strategic goals of the organisation in all non-Judicial Administrative responsibilities. The DCO therefore plays a full part in supporting the overall work of Judicial Administration.

Specifically, the DCO develops and revises policies, formulates strategies, and ensures the implementation of decisions within all assigned departments, sections or units, as well associated boards or committees.

In the process, the DCO works largely as a member of the senior management team, assisting other managers and staff to carry out their duties or liaising with colleagues within the Judicial Administration to arrive at solutions to problems or to plan strategies for appropriate action.



SHIONA ALLENGER | CLERK OF COURT

The Clerk of Court serves as Court Attorney and is responsible for the overall administration of the various Court Registries.

In the process the postholder serves as a strategic business partner, planning, developing, and implementing policies and procedures necessary to executing the statutory responsibilities of the Courts.

The Clerk of Court also assesses progress and effectiveness of the efficient processing of all matters coming before all Courts.

In the daily sessions throughout the Grand and Summary courts, it is not usual for eight to 13 Courts to be sitting contemporaneously.

Management Staff



STACY PARKE | LEGAL AID DIRECTOR

In accordance with the Legal Aid Act 2015, the Legal Aid Director manages the Legal Aid Office and carries out the functions and duties prescribed by the Act.

This includes but is not limited to overseeing the annual legal aid budget, the consideration of legal aid applications, and the determination of terms of engagement for complex cases.

The postholder also conducts case management and reviews of expenditure of cases. She also maintains a roster of active Legal Aid attorneys/duty counsel and determines the suitability of attorneys for the types of cases for which legal aid is granted.



JENESHA SIMPSON | SENIOR DEPUTY CLERK OF COURT – CIVIL – REGISTRAR OF THE COURT OF APPEAL

The Registrar to the Court of Appeal oversees administration to ensure the Courts operate efficiently and within the appropriate legislative and operational rules and requirements.

Specifically, the postholder also reviews and processes applications to the Court of Appeal and the Judicial Committee of the Privy Council (including those for leave and requests for special sittings).

In addition, the Registrar provides professional advice to applicants on procedures and court rules to ensure compliance.

The Registrar exercises professional judgment in considering the level of case sensitivity and complexity and the likely time required for the hearing, in order to prioritise and organise the listing of cases to be heard by the Courts.



DARLENE OKO | LEGAL AID COUNSEL

The Legal Counsel for Legal Aid assists the Director of Legal Aid in the discharge of functions and duties prescribed by the Legal Aid Act, including acting for the Director of Legal Aid in the Director's absence. Duties include the provision of legal advice to applicants for legal aid, researching legal points of law and preparing opinions, advising staff and attorneys on the interpretation of various applicable laws, management of staff, and attending in court in respect of legal aid appeals or related matters.

The Legal Aid Counsel also supports the Office of the Chief Justice and Court Administrator through the management of the Cayman Islands Legal Assistance Clinic (CILAC) which provides legal advice and assistance to persons who cannot afford legal advice or who do not qualify for formal legal aid support.

Management Staff



CECILE COLLINS | DEPUTY CLERK OF COURT – CRIMINAL

The Deputy Clerk of Court (Criminal) has primary responsibility for the oversight of all aspects of the administration relating to criminal proceedings, in both the Grand Court and the Summary Court.

In the process, this officer assists the judiciary in the smooth operation of the court and the timely hearing and disposal of the cases coming before the Courts.

As prescribed by law, the Deputy Clerk has authority to perform quasi-judicial functions, such as the issuance of warrants of committal, subpoenas (or summonses) or other forms of process of Court.

The Deputy Clerk of Court also manages, monitors, and maintains financial and statistical records and data, including preparing transactions for journals and ledgers, adjusting accounts according to establish Court procedures, and reconciling accounting data.



DAVE BAILEY | CHIEF HUMAN RESOURCES OFFICER

The role of the HR team is to support the Court Administrator, managers, and staff in delivering the objectives of the organisation.

In this role, the postholder provides professional guidance, advice, support, management, and leadership in the development and delivery of operational and strategic human resources.

These duties are implemented in accordance with applicable policies and laws governing the civil service and the Judicial Administration's mission and strategy.

In the process the HR team supports the formulation, implementation, and oversight of HR best practices to meet short- and long-term organisational needs.

Management Staff



KATHLEEN BROWN-GREMLT | FINANCIAL CONTROLLER

The Financial Controller supports the Court Administrator and CFO in the strategic management of Judicial Administration's finances, while overseeing the day-to-day operations of the Finance Section.

The Financial Controller will thus work across a range of responsibilities, providing support and advice to the senior management team on financial-related matters. While assisting in the implementation of these goals, she also seeks to identify opportunities for efficiencies and cost savings.

As such, the Financial Controller must work collaboratively with the Chief Financial Officer and the Court Administrator in managing the overall finance and accounting functions of Judicial Administration. The trio contributes to the preparation of the budget and financial reports, showcasing actual performance, forecasting trends, and making recommendations.

The Financial Controller also oversees accounting systems, and reports on and develops policies and procedures necessary for compliance with statutory requirements.



PATRICIA PALMER | JUDICIAL AFFAIRS ADMINISTRATIVE MANAGER

The Judicial Affairs Administrative Manager (JAAM) supports both the Chief Justice and the Court Administrator in the judicial administrative responsibilities of their offices.

Accordingly, the postholder's responsibilities extend to all administrative matters concerning the judiciary, including contracts, travel support, salary, and emoluments.

The JAAM is also the line manager for the Personal Assistants of the Judges and Magistrates.

Patricia Palmer has extensive experience in overseeing administrative matters to support the judiciary. From March 2005 to February 2021, she was the Chief Justice's Personal Assistant. She has been serving as the Judicial Affairs Administrative Manager from March 2021.

Management Staff



YASMIN EBANKS | LISTING OFFICER

The Listing Officer arranges the workload of Grand Court Judges by scheduling matters before the Courts' five divisions: the Financial Services Division, Civil Division, Family Division, Criminal Division, and Admiralty Division, thus contributing to the optimal use of resources in the overriding interest of justice.

In the process, the Listing Officer makes decisions in relation to almost every case that is heard by the Grand Court. That includes when, where, and by whom a case is to be heard (except in FSD cases that are assigned to specific judges). Similarly, the Listing Officer must be able to always mediate between competing interests in adversarial litigation, interacting with the attorneys and judges at the highest level.

The Listing Officer must accordingly balance numerous factors in a dynamic, time-sensitive environment, seeking to ensure that court and judicial resources are used efficiently.



ANDREW DOUSSEPT | INFORMATION TECHNOLOGY MANAGER

The Networks and Information Systems Manager is responsible for the installation and servicing of computer hardware and software throughout the Judicial Administration.

The role includes management of the IT department and information technology strategies in the provision of secure database and network system for users.



BRIDGET CLARE | ACTING FINANCIAL SERVICE DIVISION REGISTRAR

The primary responsibility of this postholder is to discharge the gate-keeping functions of the Financial Services Division, by lawfully, accurately, and competently overseeing filings with the Courts.

The Registrar thus ensures that all cases are effectively managed in accordance with the Grand Court Rules and applicable Practice Directions.

Management Staff



ELMORE CHRISTIE | HEAD OF SECURITY

As with any organisation, security is vital - not only regarding the physical premises but also with respect to the staff of the organisation.

Thus, members of the security team ensure the daily safety of the Judicial Administration.

In the process, the security team is dispersed throughout the three premises and is often the first source of contact for court users when they enter the courts' premises.



PETER FABBRI | FACILITIES MANAGER

The Facilities Manager is responsible for overseeing and managing the maintenance and upkeep of the courts and general court facilities.

This role also extends to the safety and comfort of staff in their physical workplace.



BEVERLEY SPEIRS | LIBRARIAN

The Judicial Administration said adieu to its inaugural Librarian Beverley Speirs in 2022. Mrs. Speirs has left a legacy of an impressive library (including an online catalogue) of resources that will amply serve the research needs of our legal and judicial subscribers. The goal of the Court Library is to enhance the development of the administration of justice through the provision of legal information that is timely and relevant. The Court Librarian also has responsibility for the management of the collections at the Law School and at the offices of the DPP and the Solicitor General.

The Court Library is primarily a reference collection catering to the immediate information needs of the court. The collection is available for use by the judges and staff located in the Courts Office building. Other users include counsel appearing before the court and guests sponsored by the judges and officers of the court.



VICTOR VILLARIN | LIBRARIAN

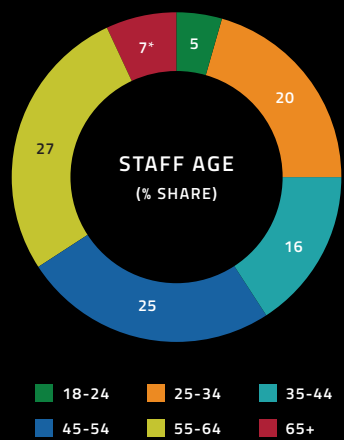
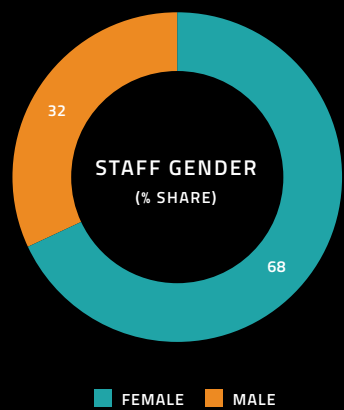
Appointed as Court Librarian on 1 March 2022, Victor Villarin has since launched a digital library comprising the digital resources of all four law libraries, accessible at <https://ciglawnlibraries.org>

Statistics

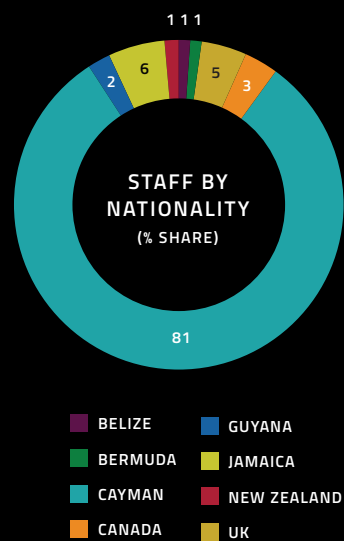


Statistics

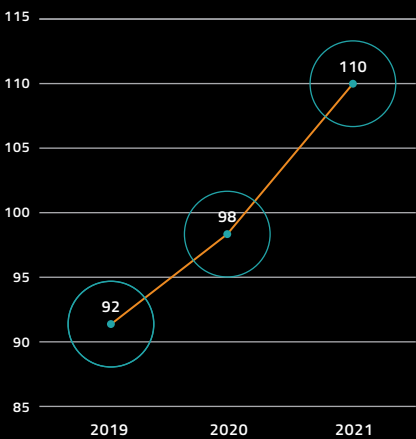
Human Resources



* Retirement age for judges & magistrates is 70

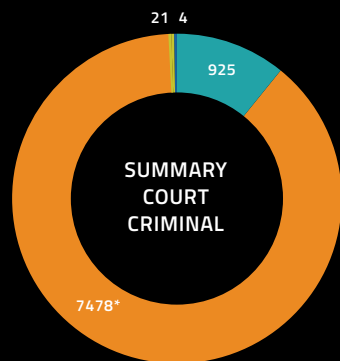


STAFF NUMBERS
(INCLUDING JUDICIARY)



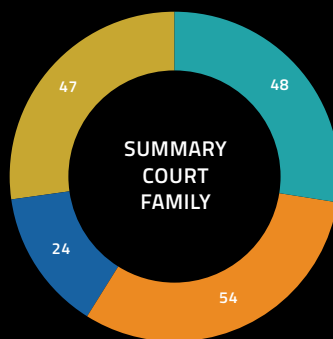
Cases

CASES FILED IN 2021

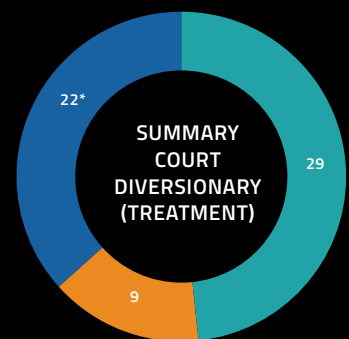


■ CRIMINAL
■ TRAFFIC TICKET
■ YOUTH COURT CRIMINAL

*1276 of which involved court appearances

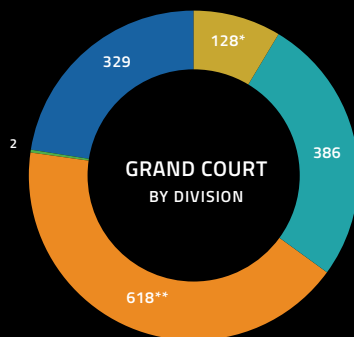


■ PUBLIC LAW CHILD CARE
■ MAINTENANCE & AFFILIATIONS
■ GENERAL CIVIL DIVISION
■ CORONER'S COURT



■ MENTAL HEALTH
■ DOMESTIC VIOLENCE
■ DRUG REHABILITATION

*with nine graduating in 2021

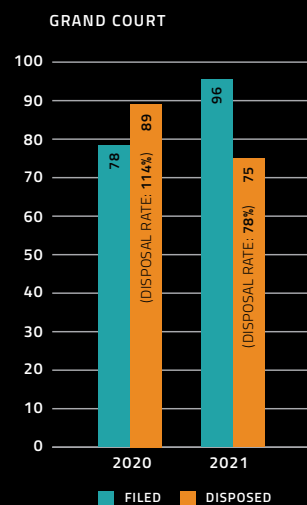
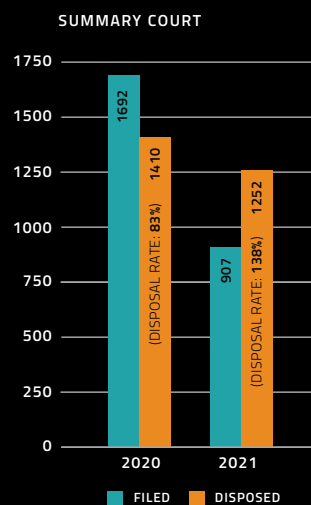


■ CRIMINAL
■ FINANCIAL SERVICES
■ GENERAL CIVIL
■ FAMILY
■ ADMIRALTY

* comprising 97 indictments and 31 appeals from Summary Court

** including 203 estate matters and 29 Summary Court Appeals

CASE DISPOSITION RATE, CRIMINAL DIVISION



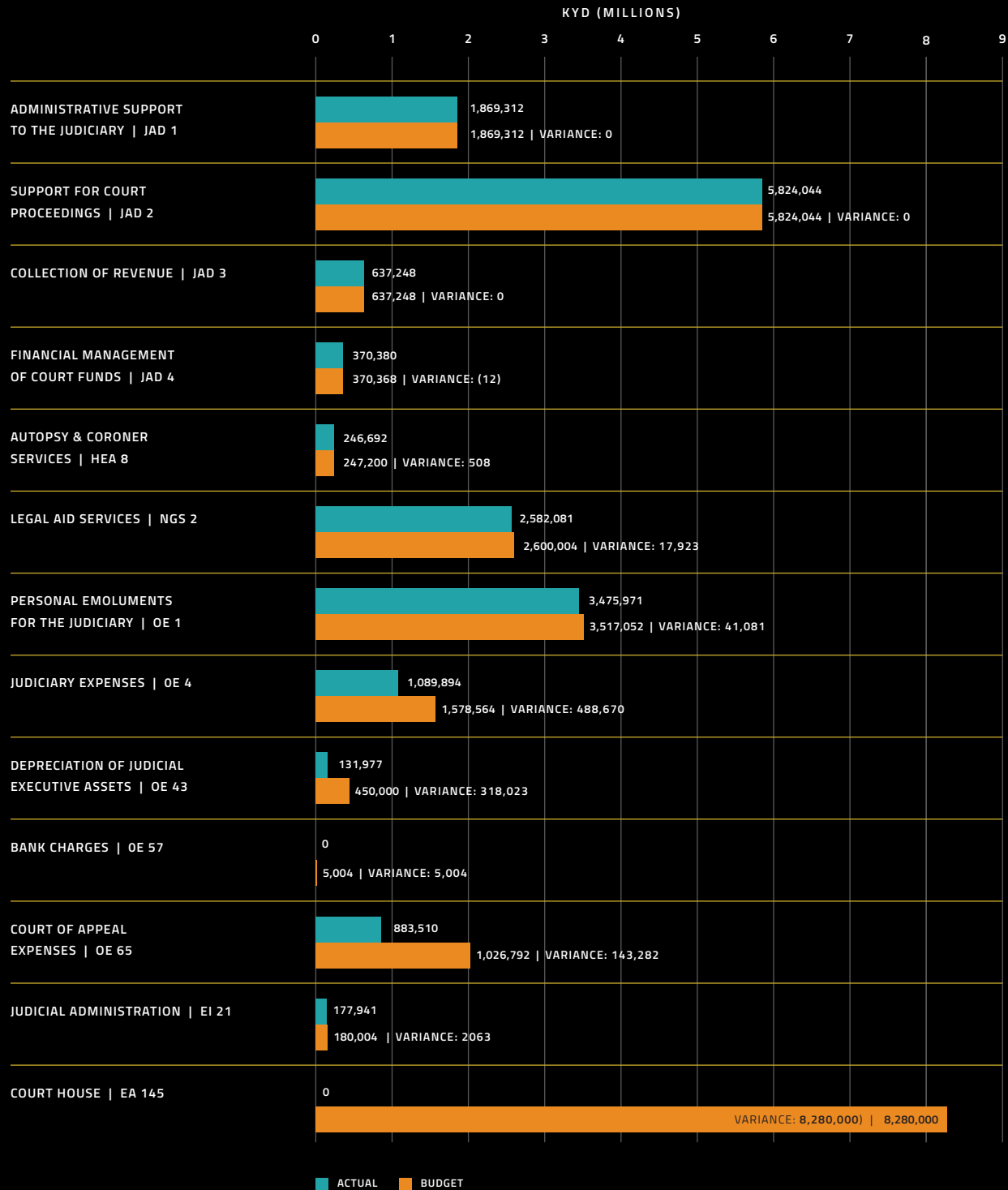
CASES FILED PER YEAR	2008	2009	2010 [R]	2011 [R]	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
PRIVY COUNCIL														
TOTAL CASES	0	0	3	0	2	0	3	4	7	7	4	6	9	4
COURT OF APPEAL														
CRIMINAL	33	28	38	30	27	39	33	28	35	33	23	26	28	24
CIVIL	16	19	26	16	24	29	24	24	18	28	28	37	26	31
GRAND COURT*														
SUMMARY COURT APPEALS - CRIMINAL	50	65	85	54	30	20	27	44	37	25	23	34	31	31
SUMMARY COURT APPEALS - CIVIL	3	0	0	0	0	0	0	0	0	2	0	34	31	29
TOTAL INDICTMENTS (INCL. SENTENCING)	102	70	109	114	139	98	109	108	121	104	88	110	79	95
INDICTMENTS (SENTENCING ONLY FROM 2018)	-	-	-	-	-	-	-	-	-	-	14	6	0	2
GENERAL CIVIL (INCL. ADMIRALTY TO 2019; EXCL. ESTATE CASES)	480	482	408	478	587	446	297	318	250	222	262	215	370	378
ADMIRALTY FROM 2020	-	-	-	-	-	-	-	-	-	-	-	-	1	2
FINANCIAL SERVICES DIVISION (FSD) (FROM NOV. 2009)	-	67	280	206	176	157	167	255	225	286	247	232	329	386
FAMILY DIVISION	215	232	292	271	287	271	286	260	245	290	316	297	318	329
ESTATE CASES	154	140	129	116	138	135	138	136	171	212	189	204	162	203
SUMMARY COURT														
CRIMINAL (2008 INCL. TRAFFIC COURT APPEARANCES)	9,678	-	-	-	-	-	-	-	-	-	-	-	-	-
CRIMINAL (EXCL. TRAFFIC COURT APPEARANCES)	1,506	1,228	1,301	1,290	1,260	1,579	1,591	1,641	1,451	1,342	1,243	1,292	1,703	925
TRAFFIC (COURT APPEARANCES INCL. SOME TICKET OFFENCES)	8,172	10,011	9,293	4,687	5,909	7,020	5,959	6,028	6,886	5,320	1,526	1,355	1,303	1,276
TRAFFIC TICKETS ONLY	-	-	-	-	-	-	-	-	-	-	5,925	6,108	6,970	7,478
YOUTH (CONSOLIDATED)	178	138	114	92	97	109	98	98	49	90	67	26	22	25
YOUTH CRIMINAL OFFENCES	-	-	-	-	-	-	-	-	-	-	-	23	19	21
YOUTH TRAFFIC OFFENCES (INCL. TICKET OFFENCES)	-	-	-	-	-	-	-	-	-	-	-	3	3	4
FAMILY DIVISION PUBLIC LAW CHILD CARE	46	44	50	66	49	23	33	63	53	54	58	43	43	48
GENERAL CIVIL DIVISION CASES	467	430	407	478	347	421	342	318	321	252	242	280	271	300
MAINTENANCE & AFFILIATION	101	118	124	138	113	108	101	118	142	80	132	120	89	54

* The Grand Court became a divisional court in November 2009 by creation of Criminal, General Civil, Financial Services Division, Family Division, & Admiralty Division

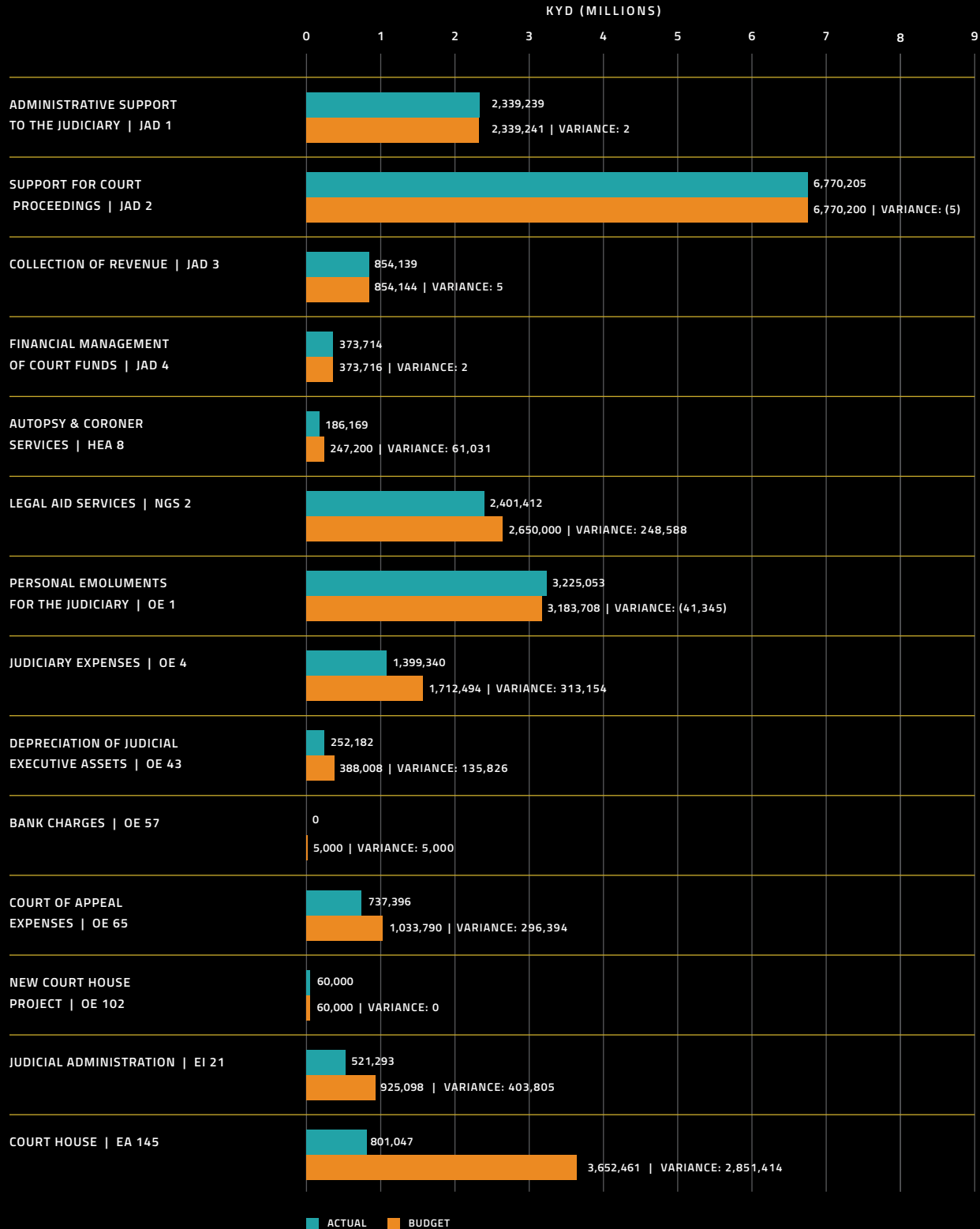
CASES FILED PER YEAR	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
DIVERSIONARY COURTS														
MENTAL HEALTH PILOT COURT	-	-	-	-	-	-	-	-	25	26	25	23	19	29
DOMESTIC VIOLENCE PILOT COURT	-	-	-	-	-	-	-	-	-	-	-	68	18	9
DRUG REHABILITATION COURT														
- APPLICATIONS	78	94	74	60	54	45	41	54	44	54	39	47	28	22
- GRADUATES	0	17	23	15	13	6	10	8	13	14	13	4	11	9
CAYMAN BRAC COURTS														
TOTAL CASES	68	349	219	147	209	171	122	125	196	97	155	261	499	267
CRIMINAL	-	-	-	-	-	-	-	-	-	-	-	57	102	31
TRAFFIC	-	-	-	-	-	-	-	-	-	-	-	204	397	236
CORONER'S COURT														
TOTAL CASES	-	26	33	60	61	51	43	55	55	54	50	50	36	47
OTHER SERVICES														
LEGAL AID APPLICATIONS														
CRIMINAL	173	176	187	208	276	370	303	285	242	353	415	480	399	327
CIVIL	223	156	160	244	281	313	341	232	211	302	209	207	186	111
LEGAL AID ATTORNEYS														
CRIMINAL	-	-	-	-	-	-	-	-	-	-	31	36	35	29
DUTY COUNSEL	-	-	-	-	-	-	-	-	-	-	25	29	31	28
CIVIL	-	-	-	-	-	-	-	-	-	-	51	62	65	59
ATTORNEYS														
LICENSED TO PRACTICE	511	524	541	553	582	657	625	566	541	611	794	996	1,117	930
LIMITED ADMISSIONS	36	100	121	96	56	63	133	75	70	83	81	94	75	143
GENERAL ADMISSIONS	92	54	74	57	70	68	132	81	84	70	102	108	46	122
NOTARIES PUBLIC														
CAYMAN ISLANDS	445	467	467	480	501	543	587	588	622	575	1,050	1,113	1,541	1,635
JUSTICES OF THE PEACE														
GRAND CAYMAN	136	136	136	137	162	166	177	176	179	175	200	206	226	226
CAYMAN BRAC & LITTLE CAYMAN	28	28	28	28	30	30	30	30	30	28	30	32	34	34

JUDICIAL ADMINISTRATION FINANCIAL PERFORMANCE

2020 BUDGET V ACTUAL



JUDICIAL ADMINISTRATION FINANCIAL PERFORMANCE
2021 BUDGET V ACTUAL



Conclusion



Conclusion

A clear lesson to be taken from the foregoing overview is that, as in any other area of endeavour, in the administration of justice form must follow function.

The present forms and structures of the judiciary and the judicial administration have evolved in keeping with the functions which the demands of society have imposed over time.

This is reflected in the size of the establishment of the judiciary as it is also in the establishment of administrative staff.

There is a commitment in principle by the Government to the provision of a new court complex

The result is that presently the administration and delivery of justice are of a generally high standard. As a result, the jurisdiction enjoys a reputation, in the general view of both its domestic and international client public, for efficient, timely, and effective justice.

But for many years there have been tell-tale signs that this hard-won reputation could be eroded and lost. Two such signs, the subject already of perennial agitation by the judiciary, are mentioned in this overview; they are, the shortage of criminal defence lawyers and the lack of courtrooms for the timely trial of criminal cases.

The shortage of defence lawyers should be capable of being addressed by a more equitable legal aid system. As detailed in this report, this is a proposition to be advanced with Cabinet and the Parliament.

The unacceptable consequences of the lack of courtrooms will become unavoidable unless the problem is immediately addressed. Any failure to understand this would not be for want of explanation or agitation on the part of the judiciary over several years.

Indeed, as already explained, there is a commitment in principle by the Government to the provision of a new court complex designed, along with the existing facilities, to meet the needs of the jurisdiction into the foreseeable future. It is very much to be expected that Government will make good on this commitment.

In the meantime, the acquisition of the former Bank of Nova Scotia Building has assisted greatly in relieving the pressure on office space. Also, by mid-2022, a new Grand Court was in the process of being completed in those premises.

It was also expected that by the autumn of 2022 a permanent courtroom for the Court of Appeal would be similarly completed to accommodate future Court of Appeal hearings. That courtroom was also slated to accommodate a special visit of the Judicial Committee of the Privy Council in November 2022 to conduct first-ever hearings in the Cayman Islands.

While these facilities will assist in relieving the pressure for suitable courtroom accommodations, it should not be forgotten that the Islands, in seeking to maintain its reputation for excellence, must always regard the administration of justice as an essential work in progress.

Never will that work have advanced to a state where there is no need or room for improvement. And never, therefore, must it be thought that the work requires no further commitment of resources.

A jurisdiction that fails in its timely and effective administration of justice will fail to realise and protect the fundamental human rights and economic security of its citizens. It will also fail, as various reputable studies have shown,⁷⁰ to attract the investment from outside that is so crucial to that ongoing economic security.

The Cayman Islands, in seeking to maintain its reputation for excellence, must always regard the administration of justice as an essential work in progress

⁷⁰ See for instance: Access to Justice, the OECD Directorate for Public Governance: <https://www.oecd.org/gov/access-to-justice-supporting-people-focused-justice-services.pdf>



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