



Cayman Islands Judicial Administration

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Chief Justice Announces Publication of Layman’s Guide to Court Proceedings

As one of his final official duties before demitting office, Chief Justice the Hon. Sir Anthony Smellie has announced the publication of a layman’s guide to proceedings in the Grand Court.

The Guide will be published on www.judicial.ky under “Guidance”/”Practice Directions” later this week. Practice Direction No. 7, “McKenzie Friends (Civil and Family Courts)”, which defines what a person who supports and advises personal litigants in court but does not speak on their behalf can and cannot do, is now available on www.Judicial.ky, similarly located under Practice Directions.

The Guide and the Practice Direction are considered companion guides to the *Small Claims Handbook*, the equivalent guide for Summary Court civil cases, published in 2015 by the then-Complaints Commissioner’s Office (now Office of the Ombudsman), in collaboration with the Courts, Sir Anthony said. The *Small Claims Handbook* is also accessible on www.judicial.ky.

As stated in the Foreword to the Grand Court Guide by Sir Anthony, the aim of the manual is “to provide information about court rules and procedures using language that is easily understood...” It is particularly aimed at persons who may not have access to legal representation, though it will be useful to all litigants: “The primary objective of this Guide ... is to provide the public with a resource that is essentially a how-to guide for initiating or responding to civil proceedings in the Courts.”

It is not, however, intended to replace appropriate legal advice, Sir Anthony emphasized, but rather to strengthen would-be litigants’ ability to take the fullest advantage of available resources, including any available legal advice and resources such as relevant Practice Directions and legislation. Toward that goal, the Guide includes a glossary of typical terms used in legislation and in court proceedings.

Among the details in the Guide are links to available free-of-cost resources (such as the Cayman Islands Legal Aid Clinic [CILAC]) and the Legal Befrienders), and information that litigants need before going to court, including the steps the Courts will require them to take.

It is no coincidence that the Guide has been issued in rapid succession after the launch of CILAC, said Sir Anthony, because “without access to the assistance of the kind now available through the CILAC (itself a long time in the making) the Guide might not be of real value to would be litigants.”

Commenting on the helpfulness of the Guide in the wake of the launch of CILAC, Ms. Darlene Oko, coordinator of CILAC, said: “CILAC is delighted the Chief Justice has published The *Layman’s Guide to Court Proceedings*, an invaluable resource for all litigants appearing before the Grand Court, especially those who may be unrepresented,” adding: “The guide contains a wealth of information in language that is easy to understand which can effectively guide the unrepresented litigant through the complexities of the court process. Together with the free legal advice and assistance now available through CILAC, the guide represents another major milestone in ensuring fair and equal access to justice for everyone in the Cayman Islands.”

To assist would-be litigants, the Guide explains the various courts and their divisions, time limits once cases have started, and court fees.

Once a case has made it into the court system, the manual then serves as a navigational guide through the pre-hearing and case management phases and then explains how litigants should conduct themselves during the hearing. The Guide also dispenses guidance on what litigants should expect after the case has been heard.

The overall goal is to safeguard the rights of all persons with legitimate cause to bring a case to the Court: “Access to justice is a right, not a privilege, and subject to the law for controlling vexatious litigants, any person who has the capacity to do so is entitled to be heard by any court or tribunal,” Sir Anthony states in the Foreword.

The manual is an adaptation of a similar Guide published by the High Court of Northern Ireland, whose rules and practices are, like the Cayman Islands Grand Court’s, based on the pre-2000 Practice of the Supreme Court of England and Wales.

This is likewise true for the Bermuda Supreme Court, which has also published a similar handbook that also informs this newly published Guide for Cayman.

“I am indebted to these recourses in developing this brochure,” Sir Anthony said, “but I am particularly grateful to Attorney Vaughan Carter, who assisted by vetting the draft for publication.”

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