



# **THE JUDICIAL ADMINISTRATION CAYMAN ISLANDS**



ANNUAL REPORT 2002

Front Cover:

**The Chief Justice Inspects the Guard of Honour  
at the Grand Court's Annual Ceremonial Opening  
in January 2003.** Photo: Carol Winker, Cayman Free Press.



## OPENING OF THE GRAND COURT 2003



**The Bugler: Police Constable, I. Levine, sounds the General Salute to the Judiciary as Chief Justice, Hon. Anthony Smellie Q.C., commences the inspection of the Guard of Honour at the Grand Court Opening 2003. Photo: Justin Uzzell**



**The Hon. Chief Justice Anthony Smellie Q.C. with Mr. Justice Dale Sanderson Q.C., and Madame Justice Priya Levers; Mr. Valdis Foldats, Clerk of Courts; Mr. David Thursfield, Commissioner of Police and Mr. Winston Bodden, Chief Marshall before the inspection of the Guard of Honour at the Grand Court Opening, January 2003. Photo: Carol Winker, Cayman Free Press.**



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## **INTRODUCTION AND OVERVIEW**

*The Ceremonial Opening of the Grand Court usually takes place on the first Wednesday in January. It marks the start of new business for the Judiciary and the Judicial Administration in the administration of justice.*

*The ceremony is attended by members of the Judiciary and the Bar. It begins with the inspection of the Guard of Honour by the Honourable Chief Justice accompanied by the Commissioner of Police and the Clerk of Courts. In attendance also are the two other Puisne Judges. The Guard of Honour is provided for by the Royal Cayman Islands Constabulary and is a symbolic gesture of support to the Judiciary and to the administration of justice.*

*The other members of the Judiciary and the legal profession in attendance as well as members of the public gather to observe the parade.*

*At the end of the ceremonial inspection, which takes place on the front steps of the main Courthouse, attendees convene in Court Room No. 1 where the second half of the official opening of the Grand Court continues.*

*It is customary that after prayers are offered, the Attorney General is invited to move a motion for the opening of the Grand Court. The Honourable Acting Attorney General, Mr. Samuel Bulgin, moved the opening of the Grand Court this year. His remarks, in part, addressed proposals for Legislative reform, the*

*identification of property to construct a new Courts building to house the Summary Courts, the creation of a new Drug Court and new sentencing options.*

*The President of the Caymanian Bar Association, Mr. Bryan Hunter seconded the motion. His comprehensive speech covered the new rules of professional conduct for attorneys, the amendment to the Monetary Authority Law to provide for that institution's operational independence; the decision of the Foreign and Commonwealth Office to forward a draft constitution to the public of the Cayman Islands in late January 2003 for further input and the effect of the new legal practitioners' fees on the smaller, mostly Caymanian, Law firms. He also spoke briefly about the European Union Savings and Tax Directive, the proposed revamping of the Professional Practice course provided by the Law School and of the joint Caymanian Bar Association/Cayman Islands Law Society Law Revision Advisory Group.*

*Mr. Charles Jennings, President of the Cayman Islands Law Society also seconded the motion of the Honourable Acting Attorney General. His comments, amongst other things, dealt with the Government's attempts to raise revenue and commented that these attempts to raise revenue retrospectively from the profession for 2002 would be opposed. He also opined that the payment bands were inequitable. He suggested that Government needed to consider ways of cutting expenditure. To that end the profession would be making a number of proposals aimed at updating the Islands' Financial Legislation to bring it in line with the rest of the world.*

*Mr. Jennings also reported that a draft Code of Conduct for the profession had been prepared. On the administration of justice, he commented on the impressive facilities in Kirk House on the one hand and lack of facilities in the main courthouse itself, on the other. He hoped that this situation would soon be rectified.*

*Mr. Ramon Alberga Q.C. was the penultimate speaker. He spoke very highly of the work being done by the Judiciary in terms of the quality and number of full written judgments produced. Some 83 full written judgments and reasons were delivered by the Judges of the Grand Court not including those in the EuroBank Trial. He recognised the many late hours and week-ends of work which this required. He was particularly pleased to note that as at year end there were no judgments outstanding. At this point he paused to congratulate the Honourable Chief Justice on his recent accomplishment of being named an Honourary*

*Bencher of Grays Inn, London, the first Chief Justice of this jurisdiction to be so recognised and honoured.*

*Mr. Alberga also spoke about the demands of this jurisdiction and the need to attract the highest calibre of Judges and the need for continuity and certainty which could only be assured by the retention of four permanent Judges.*

*In according to the motion for the opening of the Grand Court, the Honourable Chief Justice, as is usual, responded to the proposals and gave an overview of the accomplishments of the past year together with accompanying statistics. These statistics have been interpreted in graphic form in the attached schedule in order to give the reader a visual picture of the work of the Judicial Administration.*

*In response to the Acting Attorney-General's motion, the Chief Justice noted the proposals for Legislative reform and the new sentencing measures but urged consultation with the Judiciary before the reforms are made. In his reply to Mr. Hunter, the Chief Justice commented on the Constitutional modernisation process and the proposals which seek to address the independence of the Judiciary. He was to return to this theme in his main speech when he spoke of the functions and responsibilities of the staff of the Judicial Administration. Not only, he said, must the Judiciary be independent but since the work of the Judicial Administration is inextricably linked to the work of the Judiciary, their work cannot be measured on a "performance" type basis with accountability to the Executive. To do so would be to compromise the independence of the work of the Judiciary itself. The Honourable Chief Justice urged that this "unworkable conundrum" which had found its way into the new Public Management and Finance Law be rectified forthwith. As the Law now provides that it shall not operate so as to impede the independence of the Judiciary, the Judicial Administration will comply with all it requires but in a manner consistent with that objective until it is clarified.*

*In response to Mr. Hunter and Mr. Jennings, the Honourable Chief Justice noted the wide range and relevance of the issues touched upon in their respective addresses; encouraged them to regard this as an appropriate occasion for the attorneys as officers of the Court to air such matters and expressed the hope that their comments would be taken in the constructive light in which they were made. He particularly welcomed the proposed new Code of Conduct for the legal profession which would replace the "rather archaic*



*regime” which now operates under section 7 of the Legal Practitioners’ Law (2002 Revision).*

*The Honourable Chief Justice also expressed his gratitude to Mr. Alberga Q.C. for his unreserved support for the Judiciary and the administration of justice and congratulated him on this his 50<sup>th</sup> year of practice.*

*Other matters of importance addressed were the terms and conditions of service of the Magistracy, the need for new Court facilities and the necessity for a dedicated computerisation system for the Judicial Administration to be separate from the Government’s system because of the confidential and often sensitive nature of the work undertaken. The Judicial Administration will be inviting tenders for the design and provision of the system once the feasibility study which has been commissioned is available. The necessary funding will then be known and raised.*

*The Chief Justice concluded with particular thanks to the Royal Cayman Islands Police for their support in the administration of Justice.*

#### PERFORMANCE MEASURES REALISED FOR 2002

*The actual outputs over estimated outputs were exceeded in the excerpt below. This is to be considered by reference to the estimated budget compared to the actual budget for the provision of the outputs.*

| <b>Performance Measures</b>                       | <b>Estimated</b> | <b>Actual</b>  |
|---|------------------|----------------|
| <i>Civil Cases</i>                                | 900              | 1467           |
| <i>Civil Appeals</i>                              | 25               | 22             |
| <i>Divorce and Estate</i>                         | 400              | 301            |
| <i>Criminal cases in Summary Court</i>            | 7,000            | 10,389         |
| <i>Criminal Indictments in Grand Court</i>        | 80               | 61             |
| <i>Case files prepared for Coroner’s Court</i>    | 34               | 33             |
| <i>Civil Legal Aid applications</i>               | 175              | 148            |
| <i>*Approved Civil Legal Aid</i>                  |                  | 79             |
| <i>Criminal Legal Aid applications</i>            | 240              | 176            |
| <i>*Approved Criminal Legal Aid</i>               |                  | 162            |
| <i>Services to support tickets issued by RCIP</i> | 5,000            | 7303           |
| <i>Collection of Outstanding Fines</i>            | \$1.3m.          | \$1.154m       |
| <i>Legal Aid</i>                                  | \$830,000        | \$1,203,660.25 |

*The estimated number of criminal indictments in the Grand Court was 80. However, the actual was 60. This reduction in the number of indictments could be a reflection of the fact that more individuals were electing to have their cases tried in the Summary Court for Category B offences, or there were slightly fewer of the more serious offences coming before the Court or because of speedier disposal in the Grand Court. The disposal rate is still an average of 18 months per indictment which was the benchmark identified in the Year 2000 Report.*

*There has been a relapse in the collection of outstanding fines, largely attributable to the number of outstanding warrants and the non-execution of those especially in the outlying Districts. Additionally, the recent change in the Traffic Law means that fines have been prorated to reflect a fine on speeding for every 10 miles over the limit. For example, in a 20 mile per hour zone, up to a speed of 29 miles per hour will incur no fine. Prior to this change, the offender would have incurred a \$100.00 fine, that is, a tariff of \$100.00 was imposed within each band of 10 M.P.H. over the speed limit.*

*The Judicial Administration realises that the timeliness standard for payment of unpaid tickets within a 3 day period, may have been optimistic and will be revised.*

*Fines collected by the Courts office are remitted to the Treasury on a daily basis. Fines do not form a part of the Judicial Administration's budget and it would be inappropriate to make output projections based on the level of fines projected.*

#### Legal Aid

*An estimated CI\$1.3m was allocated for the 2002 year based on a performance measure of a total of civil and criminal legal aid applications totalling 415. The actual spent compared to previous years was an increase of 70%. This was attributable to the EuroBank trial and continues to have a knock-on effect on the 2003 budget.*

#### Law Reports

*This service continues to be provided at a very high standard and within budget*

*with an increasing rate of subscription, locally and abroad. The total amount earned in 2002 from the sale of the Cayman Islands Law Reports was CI\$19,585.00. The subsidy will therefore continue to be requested. This is however a small price to pay for the prestige of having the Islands own Law Reports.*

### *Conclusion*

*The Judicial Administration is pleased to provide this Annual Report as the first of its reports in keeping with the Public Management and Finance Law (2002 Revision) as that Law applies to the Judicial Administration.*

*Mrs. Delene Cacho  
Court Administrator  
January 2003.*



**LIST OF SPEECHES DELIVERED ON THE OCCASION OF THE  
OPENING OF THE GRAND COURT 8<sup>TH</sup> JANUARY 2003.**

- 1. THE HONOURABLE CHIEF JUSTICE ANTHONY  
SMELLIE Q.C., CHIEF JUSTICE OF THE CAYMAN  
ISLANDS.**
- 2. MR. SAMUEL BULGIN, ACTING ATTORNEY GENERAL.**
- 3. MR. BRYAN HUNTER, PRESIDENT OF THE CAYMANIAN  
BAR ASSOCIATION.**
- 4. MR. CHARLES JENNINGS, PRESIDENT, CAYMAN ISLANDS’  
LAW SOCIETY.**
- 5. MR. RAMON ALBERGA, O.B.E., Q.C. – MOST SENIOR  
MEMBER OF THE CAYMAN ISLANDS BAR.**

**CHIEF JUSTICE'S REMARKS**  
**OPENING OF THE COURT**  
**YEAR 2003**

**INTRODUCTORY REMARKS:**

Welcome to the commencement of the business of the Court for the Year 2003.

I begin with the customary thanks to our visiting pastor, Pastor Rev. Noble Bloomfield, for having led us in prayer.

Before I call upon the Hon. Acting Attorney General to move the motion, I must also say a special word of welcome to Madam Justice Levers who is present at this her first of what we hope will be many openings of this Court. Justice Levers will be taking up her permanent appointment at the end of March subject to the terms and conditions of service such as pension and tenure of office being confirmed with the Governor's Office. These are matters which the Judiciary considers to be settled but about which the Governor has expressed the need to take advice.

Justice Levers is of course no stranger to this jurisdiction, having appeared many times before as defence counsel and having acted as a Judge of this Court last year. I am confident that we will benefit greatly from her tenure and that she will enjoy a mutually beneficial relationship with the public and the profession alike.

Justice Sanderson's sitting with us today will not have been so obviously observed as his first such occasion as well, but it is. He was sure to return from

Vancouver where he spent his holidays with his family to be here for this opening. For him this was not an occasion to miss because, I regret to report, he will shortly be demitting office as a permanent Judge of this Court. This Court will be the poorer for having lost his services but will be the richer for having had him as a Judge for three years.

I have come to regard Justice Sanderson as a colleague for whom I have the fondest regard and deepest respect. I consider it a matter of great regret that he should have been presented with circumstances which breach his contract and which quite understandably caused him to reconsider his and his family's position.

I am pleased to tell you however, that Justice Sanderson has assured me of his willingness to assist this Court in the future in anyway he can.

Now that I have made those necessary introductory remarks I invite you Mr. Acting Attorney, to move the motion for the opening of the Court for 2003.

**[MOTION FOR THE OPENING OF THE GRAND COURT IS  
MOVED AND SECONDED]**



**THE CHIEF JUSTICE REponds TO THE FOLLOWING**

**SPEAKERS:**

**TO THE ACTING ATTORNEY GENERAL**

First of all thank you for all the sentiments of support which you have expressed and for moving the motion for the opening of the Court, to which I of course, in the usual manner, accede.

I am of course unable to respond to each of the interesting issues and ideas arising from the submissions of all the speakers this morning.

Indeed the variety of points raised reflect the view that this occasion presents a welcome venue for the airing generally of matters of concern to the profession.

I wish to reassure you that my own view is that as officers of this Court, the attorneys should be able to regard this as an occasion for expressing their professional views on matters of common interest to the profession and the public.

I regard all the views expressed in the submissions this morning as timely, useful and I hope will be taken in the constructive light in which they are presented.

Mr. Attorney I have noted in particular your concerns about recruiting and keeping suitably qualified staff and express the hope that your office will be

provided with the resources needed to maintain the high standards of professionalism which have come to be expected from the Legal Department. I also urge the profession to respond to your plea for placements for those in need of Articles.

I welcome your statements about the introduction of the Drug Court and the alternative sentencing measures, all of which are regarded as long overdue and should be given high priority on the legislative agenda.

The other proposals for legal reform are also noted. We urge the Legal Portfolio to ensure that there is proper consultation including the Judiciary before the reforms are made. It must not be forgotten that the Courts will have to implement them.

**TO MR. BRYAN HUNTER – PRESIDENT OF THE CAYMANIAN BAR ASSOCIATION**

While I have noted all you have said Mr. Hunter and commend the Bar Association for the keen interest it has taken in the development of legal policies and initiatives, for reasons already explained, I cannot respond to all the points you have made. I will respond to two matters in particular.

The first is as to the constitutional modernisation process. I invite the professional associations also to consider the proposals which have emanated from the Judiciary which seek to enhance the independence of the Judiciary.

While I was invited to make submissions to the Constitution Review Commissioners, the Judiciary has been given no response to those submissions

and were not invited to participate in the talks which have taken place since then. I think it would be helpful to have the views of the professional associations in the matter.

Secondly, I am pleased to note from yours and Mr. Jennings' submissions, the proposal for a new code of conduct for the profession. The proposal I think will contain modern and reasonable measures for self-regulation by the profession while allowing for the more serious disciplinary matters to be brought before the Chief Justice. It should result in an improvement over the now outdated regime set out in section 7 of the Legal Practitioners Law, which requires that all matters of discipline, however mundane or amenable to resolution, are brought to the Judge.

In relation to the recent amendments to the Legal Practitioners Law, I will say only in passing now that as these new measures are to fall to the Courts for enforcement I anticipate some difficulties of construction. I invite the Hon. Financial Secretary and the Attorney General to meet to discuss the solutions to these problems.

**TO MR. CHARLES JENNINGS – PRESIDENT OF THE LAW SOCIETY**

I also thank Mr. Jennings for his comments, and indeed the Attorney for his, in relation to the need for new court facilities. I will have a bit more to say on this later on, but am pleased to be able to moderate what I would say because of what has been said today.

I note what Mr. Jennings has said about the proposed changes to be made to the environs of this building for the sake of this year's Quincentennial celebrations. I share the concerns of the profession and have already expressed similar concerns to the Quincentennial Committee. I intend to take the matter up again with them.

**TO MR. RAMON ALBERGA Q.C.**

Congratulations on your 50<sup>th</sup> year of practice. We appreciate the support which you have always given to the Judiciary and to the administration of justice in this jurisdiction.

We look forward to many more years of your leadership of the Bar.

## **THE CHIEF JUSTICE’S MAIN REMARKS**

So far as personnel is concerned last year was a year of transition. It observed the unexpected departure of Justice Graham for whose 5 years of service we take this occasion to once more express our thanks.

We also saw in September, the well-deserved appointments within the senior ranks of the administration: Mrs. Delene Cacho as Court Administrator, Mr. Valdis Foldats as Clerk of Courts, Mrs. Audrey Bodden as Registrar/Snr. Deputy Clerk of Courts and Mrs. Cecile Collins as Deputy Clerk of Courts (Administrative). These highly regarded and dedicated public officers need no further introduction.

Mrs. Yasmin Ebanks is the new Listing Officer designate. She will be working closely with Mrs. Collins over the next couple of months to ensure the smooth transition of those important responsibilities. This office is the distribution center for the work of the courts. It is therefore of importance that the rules for the listing of cases be conscientiously observed. The habit of some practitioners of direct approach to a Judge or Magistrate to have matters listed is wrong and must cease.

While the Judiciary are keen to provide a timely hearing particularly where the liberty of the person is at risk, such direct approaches cause disruption, will tend to the advantage of the few who always see themselves as having urgent matters and worse, could give the unintended impression of “forum shopping”.

I therefore take this opportunity to remind everyone that all listings not done in open court must be done through the Listing Officer. The circular letter issued early last year sets out the procedure.

I am pleased publicly to observe those well deserved promotions and advancements within the administration. Those senior officers and the able and dedicated team of officers who support them, are the indispensable foundation upon which the Courts must depend in its quest to provide justice for the people of these Islands and for the untold numbers abroad who must have their rights recognised or enforced in this jurisdiction.

I urge the profession as a whole to continue to give your cooperation and support to the court staff, as they continue to fulfill their important duties as officers who serve the administration of justice.

This reflection upon the functions and responsibilities of the staff of the Judicial Administration is necessary and timely for another, I regret to say, less welcoming reason.

It is important that I preface my following remarks by a brief consideration of the importance of the autonomy of the Judicial Administration. By this I mean in particular, their autonomy as an institution of persons who support the Judiciary in the dispensation of justice. It is beyond argument, not only that the Judiciary must be independent from the rest of Government, but also that it manifestly appears to be so.



An indispensable aspect of the Judiciary's independence is the ability to fulfill its sworn responsibility to do justice in a timely and efficient manner to everyone who comes before the Courts. This often includes Government itself as a litigant. When the Government is a party, the opposite parties must be assured that they will be successful if they deserve to be.

None of this can be assured if the Judicial Administration is to be held accountable to the Executive for the amount of work that it produces or for the manner or timeliness of that work. The work of the Judicial Administration is inextricably linked to the work of the Judiciary. It is simply not possible or practicable to measure or in the language of the Legislation that which I am about to discuss – for the Executive to “purchase” the outputs of the court staff without involving the work of the Judiciary. Yet this is theoretically what is proposed by the new Public Management and Finance Law.

While that Law purports to exclude the Judiciary from its requirements of accountability to the Executive, it would nonetheless require that the rest of the Judicial Administration enter into a performance agreement with the Executive such that the Executive will purchase their outputs. This would be the basis for the allocation or retention of annual budgetary resources. This performance agreement would be assessed by means of quarterly reports to the Executive. Failure to meet the agreed outputs could result in budgetary reductions reflecting for instance, it might be assumed, the Executive's view of whether there should be reduction in the numbers of personnel.

One would think that just the expression of that idea would be sufficient to reveal the inherent dangers and fallacies. Nonetheless, the persistence in the

policy which has now found a form of expression in legislation is real. It is presented despite the Judiciary's concerns being expressed before the Law was passed. Indeed as originally passed in 2001, the Law was found to be unacceptable for that and other reasons and amendment was deemed necessary.

Unfortunately, the amendments late last year to the Law, still offend against the constitutional safeguards of independence and separation of powers in the way I have described. This amendment was an attempt to avoid those concerns while still making the Judicial Administration accountable to the Executive. The upshot is what the Attorney General has described as a "latent ambiguity" and which I would describe as an unworkable conundrum.

Unfortunately, the draft form of amendment which I had agreed with the Attorney General and which I was made to believe would have been presented to the House, appears not to have been carried through the legislative process.

My discussion of this matter now is unavoidable because of the publication of the Law in its present form and the obvious concerns which the public would have over its implications.

I trust that I shall shortly be able to resolve these concerns. This can only be done by the acceptance that the Judicial Administration like the Judiciary itself, might not be expected to enter into performance agreements with the Executive.

Such a thing is unheard of anywhere else in the democratic world and was eschewed in New Zealand from whence I understand, this Legislation was borrowed. If that is not what is intended as I hope it is not, then the "latent

ambiguity” needs to be removed from the Legislation. In the meantime, I trust there will be no difficulties encountered over this Administration’s attempt to comply in an acceptable manner with the budgetary process.

While it is customary in the month of January to be at once both retrospective and prospective - looking backwards and forwards, like the Roman god for whom the month is named, often it seems that life within the Judicial Administration occurs within a circular realm. When change occurs it often does so at an almost imperceptible pace.

This is by no means always the wish of the Judicial Administration. The reality is that all significant change requires resources and the Administration does not occupy a primary seat at the table at which resources are allocated. The result is that this year, as in the past four years, I find myself having to report to you and to the public that important changes seem no closer to being realised.

As in the case of the last four years, I have to report that the long over -due building to house the Magistrates’ Court is no closer to being realised. While I welcome the assurance voiced on behalf of government by the Acting Attorney I am obliged once more to explain the need.

In 1972, thirty years ago, this building was designed to accommodate two courtrooms and a total staff of fifteen people. Then there were on average only a small fraction of the thousands of criminal or quasi-criminal cases and hundreds of civil cases which are now dealt with each year. Today there are often seven courts being run at once supported by a staff of nearly fifty people.

The Judicial Administration dealt with more than 10,000 new criminal and more than 1,000 new civil cases last year. Apart from the rented space at Kirk House, the Courts are operating from within the same space as in 1972. The fact that the rest of Government and its need for space has grown exponentially since 1972 must surely itself make a compelling argument for the need for another court building.

I am encouraged by the direct interest which the current Minister of Works and his Permanent Secretary have recently expressed to making the project a reality and expect that finally this year after more than ten years under discussion, some progress will be made.

A similar lack of progress I regret to note, has attended the improvement in terms and conditions for the Magistracy. The need for this improvement was established in a report by Mr. Michael Bradley CMG, Q.C., commissioned by then Governor Smith more than three years ago. Before he demitted office, there appeared to have been agreement over the acceptance of those recommendations with Governor Smith, only for my office to be told on the eve of his departure that there was not. I can only report that I shall be persistent in this matter. The Magistrates and the public whom they serve are entitled to the assurance that they enjoy reasonable security of tenure and conditions of service. The Bradley Report was recognised as suggesting nothing more or less than that.

Another matter about which we seem to occupy the same position year after year is computerisation and the use of information technology within the Courts. The innovative application of information technology in the EuroBank trial proved to

be indispensable. It served to confirm the urgent need for the wider and more general application throughout the court system.

The courts must have their own dedicated and purpose built system. The main reason for lack of progress has been the attempt to get the case management software to be compatible with the software used by the rest of government. While the government network is important for certain functions such as accounts management and the intranet between departments, those matters might not be allowed to stand in the way of modernisation of the courts' system. An overriding concern will be to ensure the confidentiality of certain types of pleadings and orders which will be placed on the system. The Judicial Administration's system must therefore be a discrete system.

The single note of progress to report in this area is that a feasibility study for a Judicial website and I. T. system has been commissioned. Among other things, that study will consider the costs implications and revenue earning potential of the website to house the Law Reports for online access, to allow online searches of the Register of Writ Actions and other types of searches within the Registry; to allow the electronic filing of pleadings and, ultimately, the electronic payment of fees, fines and other monetary payments into court. The system must also allow for the internal management of cases including the creation of an electronic database of court files and for the future central management of the split sites of the Registries of the Court of Appeal, the Grand and Summary Courts from a single dedicated location in this building.

It is already apparent that these innovations will generate their own internal economies of scale in terms of savings of personnel time and other efficiencies.

We do not anticipate that the implementation will require a relatively large investment of capital. I hope that next year I will be able to report on some real progress in this regard.

In closing I will give the usual statistical overview of case disposals for the past year.

There were some 10,389 cases filed in the Summary Court, with more than 8,000 of these relating to traffic offences or breaches. This compares with the total number of filed in 2001 of 6,996.

The breakdown of charges filed for 2002 revealed 1,702 serious non-drug charges and 360 trafficking related or serious drug charges.

There were 531 civil cases filed in the Summary Court compared to 478 in 2001.

In the Court of Appeal there was a notable decrease in the number of criminal appeals down to 34 from 49 in the Year 2001 and 54 in 2000. Civil appeals remained steady at 22, as compared with 23 in 2001 and 23 in 2000.

There were no part heard cases at the end of 2002; a remarkable benchmark in itself being maintained from Year 2001.

In the Grand Court 61 indictments were filed last year compared with 70 in 2001. At end of year, 36 were outstanding compared with 39 at end of Year 2001. Despite the impact of five particularly involved cases, most notably the EuroBank trial, the cases awaiting trial are approximately one half the number of



those taken in for the year. This translates into an average disposal time of 18 months per indictment which is the benchmark identified in the Year 2000 report. Nonetheless, an average disposal time of 12 months from date of filing of indictments in the Grand Court still remains the attainable objective.

On the civil side, there were 936 actions filed excluding divorce cases which numbered 193. The comparative numbers for 2001 were 710 and 170 respectively.

I am advised by our Listing Office that even the more involved interlocutory applications can now be listed after 5 weeks of the filing of an action and the trial list can accommodate trial dates after only 3 months. This exceeds the benchmarks set in 2000.

I take this opportunity to express our thanks to the visiting Judges from overseas without whose assistance the results which I just reported for the Grand Court would not have been possible. Indeed the now established perennial need for such assistance is clear justification for the full time appointment of the fourth Judge. This has been agreed with the Governor's Office but postponed until Year 2004.

## **POLICE**

Thanks to the Commissioner of Police and the dedicated officers of the RCIP for their resplendent turnout and for the important symbolic demonstration of support which their parade represents.

I wish on behalf of the entire Judicial Administration to express our appreciation for the fine service of the Royal Cayman Islands Police Force given to this jurisdiction.

We will now adjourn with the usual invitation to join us for refreshments before returning to the rest of the day's business.

*THE HONOURABLE JUSTICE ANTHONY SMELLIE Q.C.*

*CHIEF JUSTICE OF THE CAYMAN ISLANDS*

*8<sup>TH</sup> JANUARY 2003.*

## **MOTION BY THE ACTING ATTORNEY GENERAL**

My Lord Chief Justice, Judges of the Grand Court and I pause here to give special recognition and welcome to Mrs. Justice Levers, Learned Magistrates, senior Members and other colleagues at the bar, members of the RCIP, other special members of the audience, ladies and gentlemen.

The Hon. Attorney General has asked me to convey his apologies for his unavoidable absence today.

My Lord it is not unusual, indeed it is customary for us to use this occasion to review the previous year and at the same time to give a preview of the year ahead.

From the perspective of the Legal Portfolio, I have to observe that as has become customary we experienced our fair share of staff turnover last year. This was due to several factors including the fact that those who joined us on the understanding that there was a 15% Contracted Officers Supplement, found the current remuneration package less attractive when that aspect of the package was replaced by a Pension Scheme. Others have moved on simply because such a move is more in keeping with their ultimate career objectives. Naturally we have to replace those who have moved on, and, so we are currently in the process of recruiting additional members of staff.

We are also hoping to augment our Legislative Drafting department with the addition of a fourth Legislative Counsel.

My Lord may I also be permitted to observe at this point that for the first time in approximately ten years, the Government Legal Department has been inundated with requests from persons, mostly young Caymanians seeking to be articled with us. Regrettably we were only able to accommodate one articulated clerk for this year, while the others are wait-listed for next year, or more appropriately, when the next budget exercise is undertaken at which stage we are hoping to increase the amount of posts for articulated clerks.

I am aware that there are some firms that are doing extremely well in offering Articles to young graduates. Indeed the Court has also been playing its part, I would like however to use this occasion to also appeal to other firms to try to assist in providing placements to these youngsters, especially this coming year when there will be a slight change in the Law School's academic programme which will see the Articles being undertaken prior to Professional Practice courses.

My Lords, I am aware of the long outstanding issue of the need for accommodation for the Courts. I am happy to announce that the Government is currently in the process of identifying property within Central George Town to construct a building to house the Courts. It is hoped that when this is completed, justice can be dispensed in a more comfortable and spacious setting.

My Lords, on the issue of Legislative reform, we with the usual co-operation of Honourable members of the Legislative Assembly, have been able to make meaningful amendments to a number of legislation, all aimed at amongst other things, enhancing our already first rate justice system.

In the coming year we will be seeking to continue this endeavour with planned amendments to the Penal Code, for e.g., to create a distinction between Causing Grievous Bodily Harm and Inflicting Grievous Bodily Harm, to the Court of Appeal Law, to make provision for the Crown to appeal in a limited way some orders of the Grand Court sitting in its original jurisdiction.

Similarly we will be seeking to make amendments to the Evidence Law and the Police Law among others. In brief, it is proposed that the Evidence Law be amended, firstly:

- To empower the Court in criminal proceedings to admit written statements into evidence in the absence of the consent of the opposing party, where the justice of the case justifies such admission; secondly
- To remove the obligation of the Court to give the Jury a warning about convicting the accused on the uncorroborated evidence of an accomplice, where the charge is of a sexual offence and in cases where the evidence is from a child witness; and thirdly
- To allow the Court to draw certain inferences from the silence of an accused person both at the stage of interview by the Police and at trial, i.e. failure to testify, and also from the failure of an accused to account for certain objects, substances or marks. We have moved slowly in formulating the various drafts in this regard as we are seeking to ensure that there are appropriate safeguards in place to protect the rights of the accused.

All of these changes in respect of the law of evidence are already in effect in the United Kingdom.

Given the improvements and advances in technology and forensic investigation techniques as well as the level of sophistication now being employed by criminals in committing crimes, it is proposed that the Police Law be amended to enhance the capabilities of the Police by providing them with wider powers to collect samples, intimate and non-intimate, during investigations.

This year priority will also be given to legislation to create a Drug Court and it is hoped that the long awaited Children's Law will finally be implemented. My Lords it would be misleading, if not remiss of me not to mention that both the Children's Law and the Drug Court legislation are in fact part of a "work in progress" exercise involving several interested parties including the enormous efforts of My Lord Chief Justice, and members of the Magistracy. Additionally, the recommendations on alternative sentencing methods were tabled in the Legislative Assembly in July 2002, and drafting will commence shortly to enact legislation to give effect to them. Among the sentencing options, which the Court will have, once these methods are in place, is the power to impose:

1. Conditional and intermittent sentences;
2. Suspended sentences with supervision orders;
3. House arrests;
4. Orders to provide for education for domestic violence offenders;
5. Orders for juvenile offenders cautioning programmes; and also
6. Electronic tagging, surveillance and curfew.

Finally in the light of recent world events, and our general global perspective, we are at a very advanced stage with our draft terrorism legislation with a view to combat and suppress the financing of terrorism. This piece of legislation will complement the Terrorism (United Nations Measures) (Overseas Territories) Order 2001, which was extended to the Overseas Territories including the Cayman Islands in October 2001.

My Lord it was [Ormord] J way back in 1970 who made it quite clear that he was equally unimpressed by a man who wanted to be that most unlikely thing – that is, the master of his own house. He described such men as being engaged in a meaningless fight for mystic superiority, which invariably ended in physical violence of a childish nature.

My Lords his observation is as relevant today as it was in 1970. It is with this in mind that like the other relevant agencies of the State, and NGOs, the Legal Department is pursuing a zero tolerance approach to domestic abuse, however and from whomever.

We have moved very swiftly to amend the Evidence Law, to make a spouse not just competent but now “compellable” to give evidence in such proceedings. It follows that the reluctant wife or husband, as the case may be, can now be compelled to give evidence when assaulted.

Finally, I wish to associate myself with the call for consideration to be given to provide training, in advance, to those of us who will be called upon to deal with

the many Human Rights issues that will arise when the Bill of Rights is finally in place.

It will be of the utmost importance that Public authorities seek legal advice prior to making decisions that will affect a person's liberty, property or general welfare.

There will be many constitutional challenges, which this Court will be called upon to rule on. For us at the bar some will be instructed to institute and present these challenges and some of us will be tasked with the duty of defending the claims.

It can and no doubt will be a very fertile area of litigation and it behoves us therefore to be forearmed to deal with it.

My Lords with those brief remarks I now respectfully move the motion for the opening of the Grand Court for the year 2003.

*Samuel Bulgin*

*Acting Attorney General*

*8th January 2003.*



**ADDRESS BY MR. BRYAN HUNTER**  
**PRESIDENT, CAYMANIAN BAR ASSOCIATION**

**1. Introduction**

My Lords, I rise, on behalf of the Caymanian Bar Association, to second the motion of the Hon. Attorney General. In so doing, I take this opportunity to wish all members of the judiciary, the magistrates and the court staff and the members of the Bar best wishes for a happy and prosperous New Year.

My Lords, it is well known that the legal profession, and the financial industry as a whole, has had to deal with numerous issues over the course of the last several years including those arising from the FATF and OECD initiatives, the constitutional review process and the immigration law review process. 2002 was yet another busy year for the legal profession in dealing with new laws, proposed bills and other issues affecting the profession.

My Lords, with your indulgence, I will now highlight some of the issues that the profession has had to face over the course of the last year and can expect to face early this year. I will also describe some of the issues of concern to the Caymanian Bar Association.

## **2. Rules of Professional Conduct and new system of self-regulation**

An initiative that was recently established and is still ongoing is the development of Rules of Professional Conduct for the profession and the development of a new system for the self-regulation of the profession. The Law Society is spearheading this initiative with input from the Bar Association and I am sure that my colleague Mr. Charles Jennings will have more to say on this matter during his submissions. To avoid stealing his thunder, so to speak, I will leave it to Mr. Jennings to give a more comprehensive account of this issue. What I will say is that the main concerns of the Caymanian Bar Association in relation to this matter are as follows:

- (a) that the Rules of Professional Conduct meet international standards but reflect the current practice of law in the Cayman Islands;
- (b) that the Caymanian Bar Association has equal representation to that of the Law Society in setting the Rules of Professional Conduct;
- (c) that the Caymanian Bar Association plays an equal role to that played by the Law Society in whatever disciplinary scheme is ultimately adopted; and
- (d) that there is no requirement that all attorneys be members of the Law Society under the new disciplinary scheme.

### **3. Judgments of the Planning Appeals Tribunal and Labour Appeals Tribunal**

My Lords, I am pleased to report that during the course of last year the Ministry of Planning adopted the policy of circulating the judgments of the Planning Appeals Tribunal to the attorneys who practice planning law and the Minister of Human Resources has informed me that his Ministry will adopt a similar policy with respect to the judgments of the Labour Appeals Tribunal. Having access to such judgments is very useful to the attorneys who practice in these areas and the Government is to be commended for agreeing to make the planning and labour systems more transparent in this manner.

### **4. Monetary Authority (Amendment) Law**

My Lords I will now turn to the initiative to make the Monetary Authority operationally independent. For some time the Cayman Islands has been under pressure from various international organisations to make the Monetary Authority operationally independent so that the Monetary Authority, rather than Executive Council, would have the power to make licensing and regulatory decisions in particular cases and would be free of outside influences (actual or perceived) in relation to such matters. In July, 2002 we became aware that the Government had drafted the Monetary Authority (Amendment) Bill whereby the Monetary Authority would be made operationally independent and intended to bring the bill to the then current session of the LA with a view to it being passed during that session. At that time the private sector had not yet seen a draft of the bill. Accordingly, we, in conjunction with the Law Society, asked the

Government to give the private sector a reasonable opportunity to review and comment on the bill before its passage through the LA. Pursuant to our request the Government withdrew the bill from the then current sitting of the LA and submitted the bill to the Private Sector Consultative Committee for its consideration and comments. On reviewing the bill the Private Sector Consultative Committee expressed several concerns about the initial draft of the bill. Although the private sector agreed that the Monetary Authority should be made operationally independent, it was the view of the private sector, including the Bar Association, that the elected Government should retain overall responsibility for the financial industry, and in particular should:

- (a) make the laws and rules that are to be observed by the financial sector;
- (b) make the policy decisions that will be observed by the Monetary Authority, and have the means of ensuring that the Monetary Authority observes such policy decisions;
- (c) have sufficient access to information on the Monetary Authority's activities; and
- (d) have sufficient control over the composition of the Monetary Authority's Board.

A sub-committee of the Private Sector Consultative Committee was formed to deal with this matter and deliberated over the bill for several months. The Government then brought a revised draft of the Bill to the LA in the final session of 2002 and it is my understanding that the bill that

was passed by the Legislative Assembly accepted most of the substantive comments made by the private sector in relation to this matter. Again, we commend the Government for agreeing to consult with the private sector on this very important issue and for accepting most of the substantive feedback from the private sector on this matter.

## **5. The Constitutional Review Process**

My Lords, I will now discuss briefly the constitutional review process. Clearly, the adoption of a new constitution will have a significant impact on the practice of law in the Cayman Islands and thus the Bar Association has played a very active role in this process. The Bar Association's primary concern in relation to this matter is that the new constitution contain provisions that:

- (a) protect the rights of the individual in accordance with international standards, whilst at the same time allowing for the protection of the culture of the Cayman Islands and the interests of Caymanians in the work place and in local businesses;
- (b) provide for sufficient checks and balances on the power of the elected Government under the Westminster model of Government;  
and
- (c) provide a transparent system for choosing the elected Government.

The constitutional review process commenced in June, 2001 when the Governor appointed the constitutional review commissioners and following a period of public consultation the constitutional commissioners submitted their report to the Governor in March, 2002, which report included a draft constitution. During the period of public consultation the Bar Association made comprehensive submissions to the Constitutional Commissioners, including a proposed draft constitution. Following the submission of the report by the Constitutional Commissioners the CBA announced that it was in favour of a referendum being held to determine the views of the electorate on certain key constitutional issues. The progress of the constitutional review process since the submission by the Commissioners of their report has been widely publicised and I do not propose to describe such process in detail. However, we are pleased that both political parties have recently agreed on several issues on which they previously disagreed and the agreed positions on those issues are in accordance with the submissions made by the Bar Association. We understand that, at a meeting that took place in London in early December between the FCO, representatives of both political parties and representatives of two NGOs, the FCO indicated that it intends to prepare a draft constitution based on the Constitutional Commissioners' report, the submissions by the two political parties and the submissions by various NGOs and to forward said draft constitution to the public in the Cayman Islands in late January for further public input. We look forward to receiving a copy of the draft prepared by the FCO and intend to make further submissions in relation to same.

## **6. Legal Aid**

Another area of concern to the Bar is the legal aid system. We have some concerns about the policies and procedures currently in place for the granting of legal aid and we have formed a committee to look into this matter. We intend to make submissions to the Chief Justice in relation to this matter in the near future.

## **7. Professional Practice Course**

As the Chief Justice will be aware, during the course of 2002 the Legal Advisory Council recommended to Executive Council that certain changes be made to the Professional Practice Course (“PPC”) conducted by the Cayman Islands Law School. One of the most significant proposed changes is to suspend the PPC for the 2003/4 academic year to enable the course to be re-designed to bring it into line with other internationally recognised professional practice courses, such as England’s Legal Practice Course and Bar Vocational Course. The re-design of the course will involve, among other things, the preparation of dedicated course manuals in each of the relevant modules. Currently, there are no textbooks available for students of the PPC and students have to rely almost entirely on their lecture notes when studying for examinations. Furthermore, the teachers of the course have to rely on their skeleton notes for their lectures. This means that whenever a teacher leaves the PPC his replacement does not have a convenient source of material to become familiar with subjects to be taught in the PPC. It is envisaged that the current lecturers of the PPC will use the one-year suspension of the PPC to prepare comprehensive textbooks for the course. Not only will these be

useful to the students and teachers of the PPC but will be useful to practitioners who are new to the jurisdiction. It was felt by all concerned that it would be impracticable to make all the necessary changes to the PPC while conducting it at the same time. In order to minimise the inconvenience of the suspension of the PPC to the current students of the Law School the LAC resolved to recommend to Executive Council that the Legal Practitioners (Students) Regulations be amended to allow the students who graduate from the Law School in 2003 to carry out up to one year of articles prior to their enrolment in the PPC.

## **8. EU Savings Directive**

Another issue that had great prominence and significance to the Bar during the course of 2002, and that will continue to be an issue this year, is the EU Savings Directive. The UK has made it clear that it would like its Overseas Territories other than Bermuda to agree to adopt the Directive. We believe that the adoption of the Directive would be seriously detrimental to the financial industry in the Cayman Islands. The Leader of Government Business has repeatedly stated that his Government will not adopt the Directive and we wholeheartedly support the stance that he has taken in relation to this matter.

## **9. New fees for law firms**

My Lords, I would now like to address the new fees that Government has recently imposed on law firms. The Government recently passed the Legal Practitioners (Amendment) Law, which imposed a new operational licence fee on law firms. The operational licence fee varies according to



the number of attorneys that a firm has and varies in brackets, with there being no fee for firms of 5 attorneys or less, a fee of CI\$15,000 for firms of 6-10 attorneys, a fee of CI\$30,000 for firms of 11-15 attorneys, a fee of CI\$45,000 for firms of 16-20 attorneys, a fee of CI\$160,000 for firms of 21-25 attorneys, and a fee of CI\$300,000 for firms of 26 or more attorneys. Although we do not object to Government raising from law firms the aggregate amount that it intends to raise with the new fee, which is approximately CI\$1,000,000 per year, we object strenuously to the structure of the fee. We believe that the new fee provides a disincentive for small and medium sized firms to grow and provides an unfair advantage to the larger firms in comparison to the medium sized firms. The fee is a disincentive for small to medium sized firms to grow for the following reason. If a firm is at the upper threshold of a particular fee bracket then it would cost that firm a substantial amount to grow by one additional attorney. The fee provides an unfair advantage to the larger firms in comparison to the medium sized firms for the following reason. As I have mentioned before, the new fee for firms that have more than 25 attorneys is capped at CI\$300,000. Accordingly, the fee per attorney for a firm that has, for example, 75 attorneys would be one third of that for a firm that has only 26 attorneys.

Government first indicated that it intended to impose a new fee on law firms in December, 2001. At that time Government indicated that it intended to impose the new fee by way of a traders licence fee under the Trade & Business Licensing Law. We wrote to both the FS and the LGB expressing our concerns about the new fee and suggested that a fairer and simpler way for Government to raise the fees that it intended to raise from

law firms was to simply increase the work permit fees for attorneys and to exempt the first 4 non-Caymanian attorneys in each firm from the increases in order to protect the smaller firms, which are owned primarily by Caymanians. We received no response from Government at the time and Government proceeded to pass the amendment to the Trade & Business Licensing Law as they initially proposed it. Shortly after the passage of the amendment to the Trade & Business Licensing Law it was pointed out to Government that law firms are not subject to the Trade & Business Licensing Law but instead are subject to the Legal Practitioners Law. Accordingly, no attempt was made by Government to collect from law firms the new traders licence fee under the Trade & Business Licensing Law. It was not until 17 December 2002 that Government indicated that it intended to impose the aforementioned operational licence fee under the Legal Practitioners Law and the profession was given only two days in which to consider the amendment legislation before it was dealt with in the House on 19 December. Thus, Government waited almost an entire year to deal with a problem that was pointed out to them in early 2002. On reviewing the amendment bill to the Legal Practitioners Law it became clear that the operational licence fee was based on the same unfair fee structure that the traders licence fee was based on. Accordingly, on 19 December we again wrote to Government to express our concerns about the legislation and to suggest a fairer alternative, which would protect the interests of the smaller Caymanian firms. Our proposal was that the new fee be based on a flat fee for each attorney, excluding the first six attorneys in each firm. Again Government ignored our submissions and passed the bill as initially proposed.

In light of the fact that our objection is not to the aggregate amount to be raised from law firms, but simply to the manner in which it is to be raised, we do not understand Government's reluctance to accept our submissions in relation to this matter. Our organisation is comprised of Caymanian attorneys only and thus it is our view that we are best placed to determine what is in the best interests of Caymanian attorneys. We have asked Government to adopt a scheme that we believe would be in the best interests of Caymanian attorneys but they have repeatedly ignored our suggestions. We would hope that Government would reconsider its position on this matter.

#### **10. Joint CBA/CILS Law Revision Advisory Group**

My Lords, on a more positive note, I am pleased to report that we and the Law Society have jointly formed a Law Revision Advisory Group whose function is to review the existing laws relating to the financial industry and proactively make suggestions to Government as to the amendments that should be made to such laws in order to make the jurisdiction more competitive. Such Advisory Group is currently reviewing the Companies Law and intends to submit to Government in the near future suggested amendments to such law.

#### **11. Conclusion**

My Lords, as I have outlined above, we as a profession have had to weather many storms over the course of the last few years. Notwithstanding the numerous issues that the profession and the jurisdiction have faced during this time, we are still cautiously optimistic

about the future of the financial industry. The Caymanian Bar Association will continue to do what it can to protect the integrity and interests of the legal profession generally and Caymanian attorneys in particular.

Thank you My Lords.

*Mr. Brian Hunter*

*President, Caymanian Bar Association*

*8<sup>th</sup> January 2003.*

**ADDRESS BY MR. CHARLES JENNINGS**  
**PRESIDENT OF THE CAYMAN ISLANDS LAW SOCIETY**

May it please Your Lordship, Honourable Justice Sanderson and Honourable Justice Levers. As President of the Law Society of the Cayman Islands it gives me great pleasure to second the motion of the Honourable Acting Attorney General to open the Grand Court for the year 2003. This is a singular honour for me personally because it is the first time I have appeared as advocate in any court in the Cayman Islands.

As I predicted in my speech for the 2002 Grand Court opening, the workload of the Law Society has continued to increase dramatically, to the point where being its President is fast becoming a full-time job. That job spans an extraordinary range of activities, including having the pleasure of attending the Legal Advisory Council with Your Lordship, the Director of Legal Studies and the President of the Caymanian Bar Association; addressing and commenting on proposed legislation, sometimes at lengthy meetings with Government or its representatives; corresponding and speaking on a daily, sometimes hourly, basis with my Council members; representing the legal profession on the Council of the Chamber of Commerce; acting as the Society's representative on the International Bar Association; receiving and replying to numerous communications from overseas lawyers on all aspects of Cayman Islands law; and generally representing the Cayman Islands legal profession to Government and legal business organisations both on the island and elsewhere in the world.

## The Legal Profession

Your Lordship, the Cayman Islands legal profession continues to grow. Last year I commented that it did so despite the economic difficulties of the previous year; now I think it is doing so because of them. In a world economic downturn such as the one we are presently experiencing, litigation and insolvency work increases. My members' firms' litigation departments have increased accordingly and are, I am told, very busy.

On the commercial side, the picture is rather more patchy. While investment vehicles, particularly hedge funds and to a lesser extent private equity funds, continue to flourish, real estate and local commercial work are only just starting to recover from a significant slump over the past 12 months and private client work continues to decline. Financial recovery is impeded, particularly in the case of smaller law firms, by the enormous due diligence exercise we are undertaking in relation not only to new clients but to existing clients as well, which must be completed by June this year. Furthermore, recent international initiatives by the International Monetary Fund and the European Union, in the latter case through its Tax Savings Directive (to which, if I may say so, the Cayman Islands Government is reacting with commendable zeal), provides us with a difficult business background in which to operate, let alone flourish; and the situation is exacerbated by moves to increase the cost of doing business still further by introducing new and expensive employment legislation at what, in economic terms, could not be a more unfortunate time.

On a more positive note, I hope that my colleague Bryan Hunter, President of the Caymanian Bar Association, will agree that never before have the two

professional associations, the Law Society and the Bar Association, worked so closely together. While the Bar Association represents Caymanian lawyers only, the Law Society represents the profession as a whole, whether Caymanian or expatriate. Our interests frequently are the same, and I would like, if I may, to pay tribute to Mr. Hunter for the cooperation and support he has given me over the past year. I hope he feels I have given the same to him.

### Legislation

Draft legislation continues to be produced by Government in great volume, and the Law Society has been instrumental in commenting on it in what we hope has been a constructive manner. Certainly over the past year lines of communication between Government and the legal profession have improved dramatically, to such an extent that I really cannot criticize Government's accessibility and its willingness, indeed desire, to listen to our views on legislation dealing with legal issues. By way of example, I would cite the negotiations over the Cayman Islands Monetary Authority Bill already mentioned by Mr. Hunter, the Securities Investment Business Law, the employment proposals mentioned above and various guidance notes prepared by the Monetary Authority.

Sadly, though, as with the Bar Association those comments do not extend to revenue-raising measures. The Law Society, and indeed the Caymanian Bar Association, oppose any attempt to impose retrospective effect on the latest amendments to the Legal Practitioners Law so as somehow to raise revenue from the profession for the year 2002, and moreover consider the basis on which law firms are banded for payment (as described by Mr. Hunter) as inequitable.

Further, we have seen enormous increases, in percentage terms, in fees payable to the Registrar of Companies, the Monetary Authority and other Government bodies in repeated efforts to raise more revenue from the financial industry. While the Law Society appreciates, of course, that significant revenue is needed by Government, these increases and the huge cost of meeting the regulatory burden have combined to make us uncompetitive in the offshore financial market and there is no doubt but that any further increases in the fiscal and regulatory burden in the present market will drive investors away to other jurisdictions.

As I stressed last year and wish to do so again now, the interests of the private and public sectors here are the same, namely the social and economic well-being of these Islands. The direct tax bill suffered by many law firms here has at least trebled over the past two years. At the risk of using a corny old saying, we do urge Government not to harm one of the geese that lay the golden eggs. With the present slump in the tourist industry, the offshore financial industry, including the legal profession which supports it, is one of the few continuing economic success stories here and continues to be a major employer. The Law Society will shortly be making a number of proposals, in conjunction with the Bar Association and other relevant professional bodies, to update our financial legislation to bring it in line with current world trends. It would be appreciated if, when Government receives that draft legislation, having reviewed it and if necessary received our explanation of it, it could pass it as soon as possible to give our jurisdiction the preeminence against its competitors that it has so often had in the past.



Much is said about level playing fields: I think I am speaking on behalf of the Law Society when I say that I have no objection to an unlevel playing field, provided it slopes to the advantage of the Cayman Islands.

### Code of Conduct

As promised in my last speech, I have prepared a draft Code of Conduct and circulated it to interested parties. I have received a large number of comments on it and will be circulating a further draft within the next month. Further, proposed further amendments to the Legal Practitioners Law are in the pipeline to modernise the regulation of Cayman Islands lawyers, all of which should, I hope, be ready for final circulation by the end of March 2003.

I should add that I have no objection in principle to any of the Caymanian Bar Association's comments on the draft Code of Conduct as recited in Mr. Hunter's earlier submissions.

### Administration of Justice

My Lords, the new court space provided in Kirk House for the Euro Bank trial is most impressive. The court room is spacious and well laid out and the sophisticated IT facilities are particularly welcome. Taken together with the Judges' chambers, conference rooms and ancillary accommodation, they are just what is needed. We trust that they will continue to be available after the Euro Bank trial: there are certainly other major cases pending which would benefit from court accommodation of this kind.

However, this also raises what has been a recurrent theme over the past several years now, namely concern about inadequate facilities in the main court house itself. It has long since ceased to be adequate for the vast increase in the workload since it was built. The point has been made repeatedly that there are practical difficulties in accommodating the work of the Summary Court and the Grand Court under one roof. There is also the problem of the lack of suitable facilities for dealing with juvenile offenders. The legal profession have an urgent need of proper conference rooms. The public areas too need improvement. It is very much hoped that real progress can be made in addressing these issues in the near future and we welcome the Acting Attorney General's comments that the Government is seeking alternative accommodation with George Town.

It is noted with pleasure that the Hon. Justice Levers has been appointed a Judge of the Grand Court, following various spells as an Acting Judge. We welcome her and wish her every success in fulfilling the important office which she holds in this busy and diverse jurisdiction.

On a personal note, I was delighted that the Governor saw fit to elevate my friend and partner Andrew Jones to the position of Queen's Counsel last year. He is, I believe, the first attorney-at-law from private practice here to be given that honour, and I hope that in due course it will be extended to other deserving candidates within what is, if I may say so, a very talented local Bar.

As always we are grateful to all those who are responsible for the administration of the Court system. Our particular thanks go to the Clerk and Deputy Clerks of

the Court, the Listing Officer and the Registrar of the Court of Appeal and all those who work with them.

It is traditional on this occasion also to acknowledge the valuable work undertaken by Dr. Alan Milner and those who work with him in producing our Law reports. Most important among them is the Consulting Editor, our own Ramon Alberga. He is also to be particularly congratulated on having passed the milestone of the 50<sup>th</sup> anniversary of his call to the Bar.

One final word about the courts building. The Cayman Islands Law Society, as much as the judiciary and the court staff, fully supports all measures taken to maintain the dignity and appropriateness of the building housing this Honourable Court, and similarly oppose anything that undermines them. We leave it in Your Lordship's discretion to determine what is and is not appropriate in terms of the construction, decoration and general atmosphere of your Court House and its surrounding area and assure Your Lordship that your views will receive our support. The administration of justice and the manner in which it is seen to be administered are of paramount importance for a jurisdiction like ours. Although perhaps too small nowadays for the enormous amount of business undertaken here, this building has a dignity and gravity about it commensurate with its importance in the community. That must be protected at all costs.

It remains only for me now formally to second the Honourable Attorney General's motion to open the Grand Court for the year 2003. And on behalf of the Cayman Islands Law Society I take this opportunity to wish Your Lordship, judges, court staff and fellow members of the legal profession a very Happy New Year.

*Charles Jennings*

*President, Cayman Islands Law Society.*

*8th January 2003.*

**ADDRESS BY MR. RAMON D. ALBERGA O.B.E., Q.C.**

1. My Lord Chief Justice, The Hon. Mr. Justice Sanderson, The Hon. Madam Justice Levers and the Hon. Magistrates of the Summary Court.

I regard it as an honour to be given the privilege to associate myself with the motion to open the Grand Court for the year 2003 moved by the Solicitor-General and seconded jointly and ably by the Presidents of the Law Society and the Bar Association and to add a few words of my own in respect of matters not referred to by my learned friends but about which I have special knowledge.

2. I begin by extending my own personal best wishes to your Lordships, to our Magistrates, to the Clerk of the Courts and all the staff in the Courts offices who are always as helpful, for a very happy and successful 2003. It is my hope that all your hopes and expectations for this New Year will materialise.
3. These opening sessions afford an opportunity of reflection and renewal. If we reflect on 2002 I can affirm that it has been a busy year in which the Judges of the Grand Court and the Magistrates have undertaken and completed a great volume of work.
4. 82 written decisions and rulings have been handed down by our Courts during 2002 on a variety of matters and this large number does not include

the many detailed rulings given in the absence of the jury during the Eurobank criminal trial which have not yet been made available for publication.

5. I would wish on an occasion such as this to record the profession's appreciation to the judiciary for the manner in which they have handled this large volume of sophisticated and difficult work which has come before the Courts during the course of last year and for the comparatively short time that elapses between the conclusion of a complicated trial and the handing down of a written decision containing full reasons for such a decision and in which all the points covered during the hearing are addressed and dealt with.
6. The Public perhaps may not fully appreciate how much extra and out of Court time (often late into the night), which is given by our judiciary in the preparation of the full written judgments which they never fail to produce. This noteworthy feature of our administration is one that generates confidence and attracts the most favourable comments from the many overseas and experienced Counsel from other jurisdictions who frequently appear in our Courts and is something about which we can be justly proud. I do not believe that 2002 concluded with any reserved judgments still to be completed. We pay tribute to the judiciary this morning for this achievement.
7. As to Law Reports, Dr. Alan Milner, the Editor and Publisher of these Reports continues to maintain his efficient and dedicated approach to their editing and production. Part 1 of the 2002 Reports has already been

published. The single volume for 2002 when completed by the addition of Parts 2, 3 and 4 will be the 15<sup>th</sup> volume produced since their introduction and will probably be our largest ever volume. The Cumulative Index and Tables for 1952-2001 inclusive is now in electronic form and it is my hope that I shall be around to see a disc containing all our Reports from 1952 and giving easy and immediate access to any local case that is mentioned or cited in a judgment that is being reviewed. Dr. Milner has just completed such a service for Jersey who now have their own website on which all their law reports can be reviewed. We should consider following Jersey's lead and good example in this respect.

We of course record today our thanks to Dr. Milner for his work and for his progressive suggestions for improvement and for his never failing interest. I should like also to express my appreciation to Mr. Colin McKee of Maples and Calder who now gives invaluable help in reviewing with me all the judgments and making helpful suggestions in relation to their reporting. He will be an excellent future Consulting Editor when I am put out to pasture.

I bring greetings to your Lordships and to the profession from Dr. Milner and his regrets at not being present today.

8. My Lords, the ceremony making the official opening of our Grand Court on the first or second Wednesday in January which we all look forward to attending and enjoy so much, first took place in 1992. Today is therefore the 12<sup>th</sup> of these ceremonies.

9. It is also the 5<sup>th</sup> opening over which His Lordship the Chief Justice will be presiding. In the years since your appointment in 1999 you have Sir, made an invaluable and significant contribution to the administration of justice in this country and it is my hope and also the hope of the entire legal profession that we will see you presiding at these ceremonies and continuing to generate the fine leadership and example for dedication and hard work you have shown as our Chief Justice for many many more years.

We eagerly anticipate hearing today the forthright, penetrating and challenging observations that we have come to expect from you on this occasion.

It is appropriate for me to call attention today to your Lordship's recent appointment as an Honourary Bencher of Grays Inn, one of the oldest and most prestigious Inns of Court in London. This is a great compliment not only to your Lordship but to the Cayman Islands. Such an honour is only conferred on persons such as yourself who have been recognised as persons of great legal learning and knowledge and possessing high judicial acumen. We rejoice with you on Grays Inn's recognition of your great contribution which is manifested in your many and illuminating judgments in so many fields of law.

It is the first time that a Judge of the Grand Court has received an honour of this nature and I am very pleased to be able to call attention this morning to this well deserved accolade that has been given to your Lordship.



10. The year 2003 does not appear that it will be any less exacting than was 2002. The list of matters awaiting trials and hearings are already substantial and growing and the Listing Officer complains that there is a shortage of Judges before whom all the requests for hearings can be listed. Justices Douglas, Henderson, Kellock, Hibbert, Levers and Panton have kindly assisted us at various times during last year and we are grateful to all of them for their assistance but continuity and certainty is required. I hope that it will soon be recognised and accepted that it is essential for the judiciary of this country to be manned by at least four permanent Judges of the highest calibre and experience. This is essential if confidence is to be generated in those resorting to our Courts. It is also my hope that it will be appreciated that we will only be able to attract Judges of experience, learning and independence if we are able to offer attractive terms of service including a realistic pension when retirement age is reached to those who apply when vacancies on the Bench have to be filled. Without this we will never attract the best and it is only the best that we should aim at getting.
11. And so as we embark on the task of meeting any new challenges and difficulties that may arise, I can re-affirm without reservation our confidence in our judiciary's ability so ably led by My Lord the Chief Justice to meet such challenges and to continue displaying the great independence and unquestionable integrity for which it has become known. We promise our fullest co-operation, support and assistance at all times.

And my Lords, I thank you for allowing me once again to exercise my prescriptive right to add a few words on this very happy occasion.

I wish you well.

*Ramon D. Alberga O.B.E., Q.C.*

*8<sup>th</sup> January 2003.*



## **STATISTICS FOR THE YEAR 2002**

The following bar and pie charts track the work of the Judicial Administration between 1999 and 2002.

Figure 1 shows the breakdown of charges filed in 2002. The total number of charges filed was 13,028 involving 10,389 cases.

It is evident that while Grand Court Civil cases have increased, Summary Court Civil are just slightly more than what it was in 2001 but much less than in 1999. The reason for the large increase in 1999 and 2000 was due to the many small debt-recovery complaints filed by Government.

Criminal Summary Court cases, shown in Figure 4, and which include those on Cayman Brac, have steadily increased.

The number of requests dealt with by the Honourable Chief Justice as Mutual Legal Assistance Authority under the Mutual Legal Assistance Treaty (MLAT) with the United States remained constant at approximately 20 MLAT requests each year. The number of such requests since implementation in 1990 is now 212.

Figures 5, 6, 7, 8, and 9 are self explanatory.

### Breakdown of Criminal Charges Filed in 2002

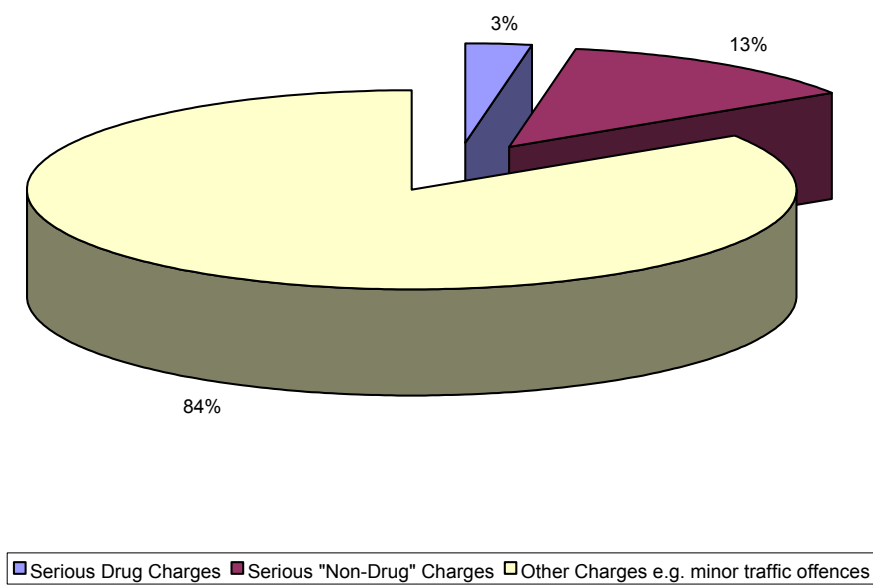


Figure 1

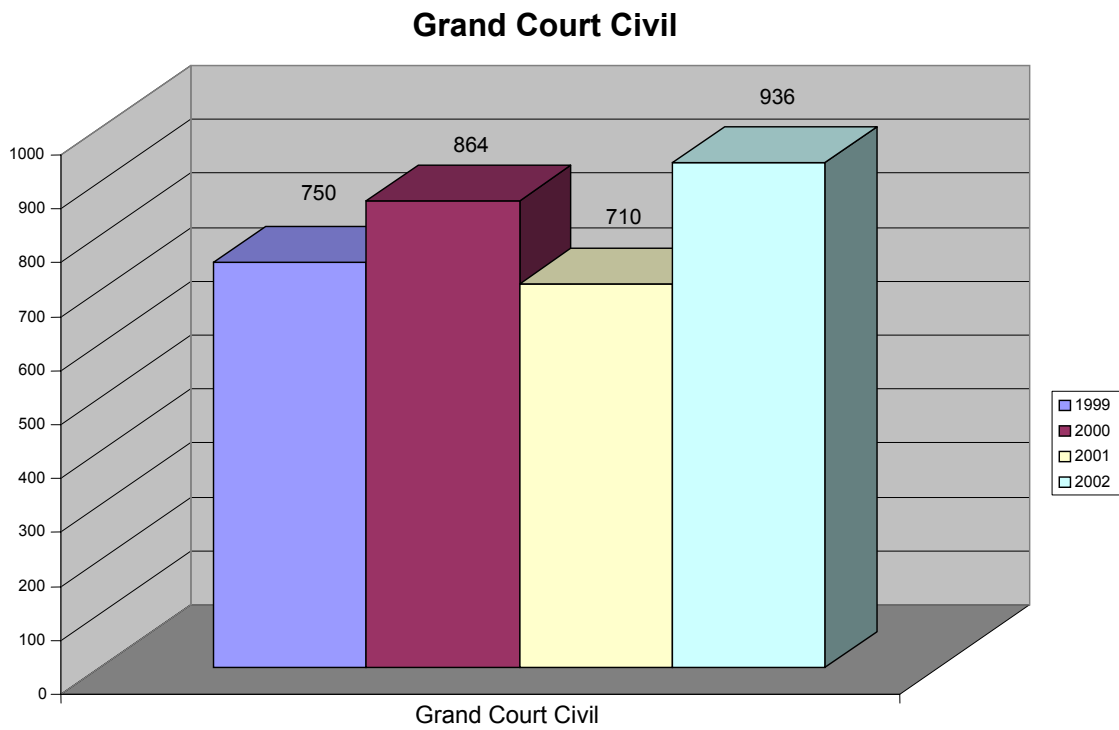


Figure 2

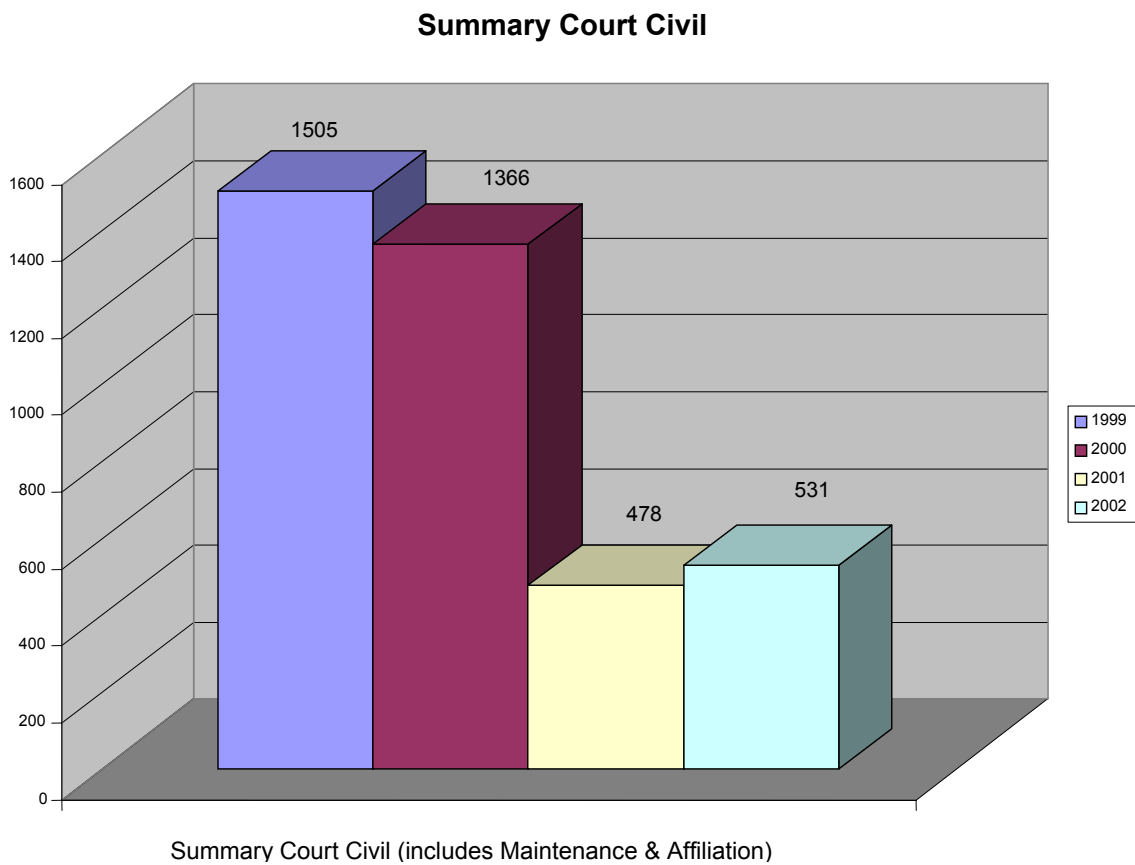


Figure 3

## Criminal Summary Cases

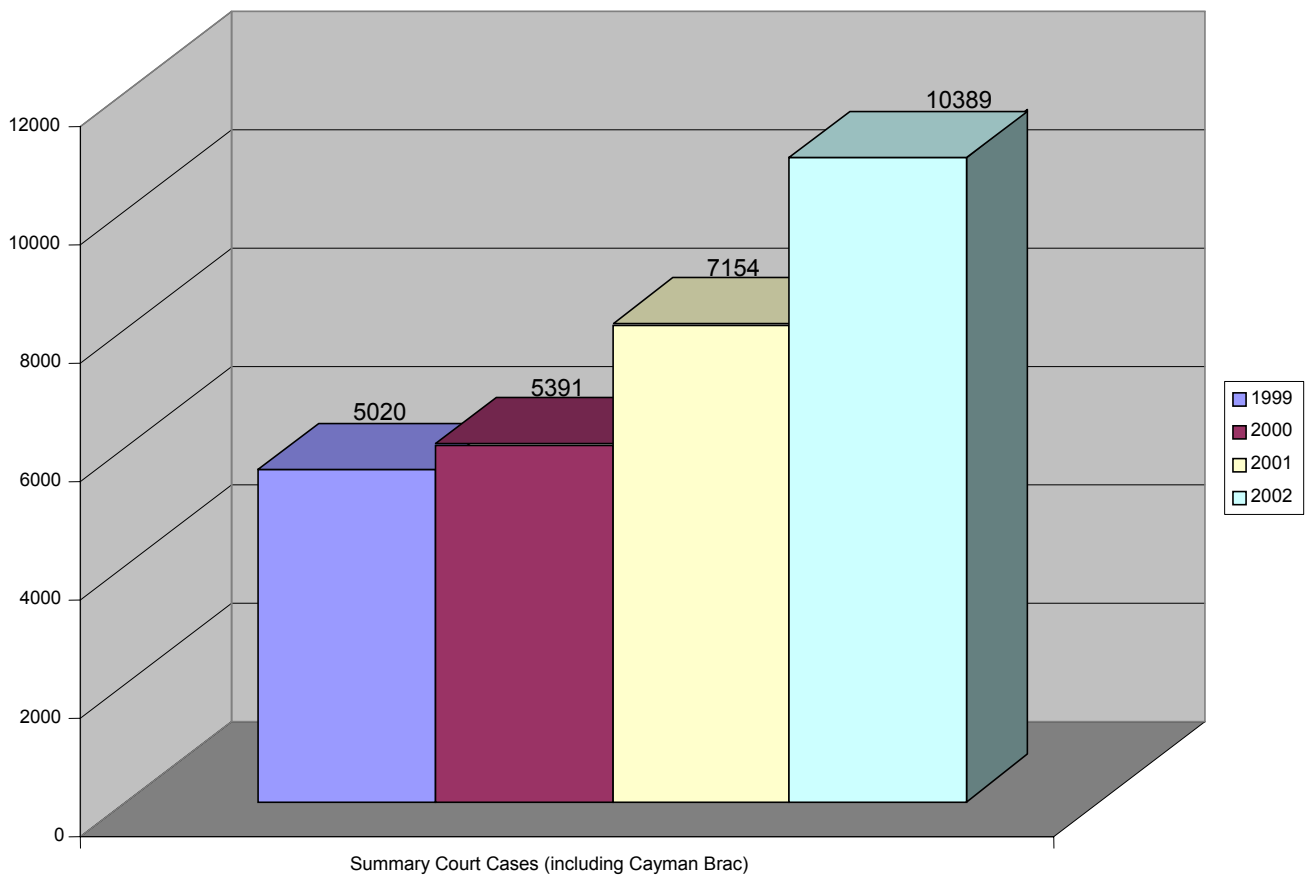


Figure 4

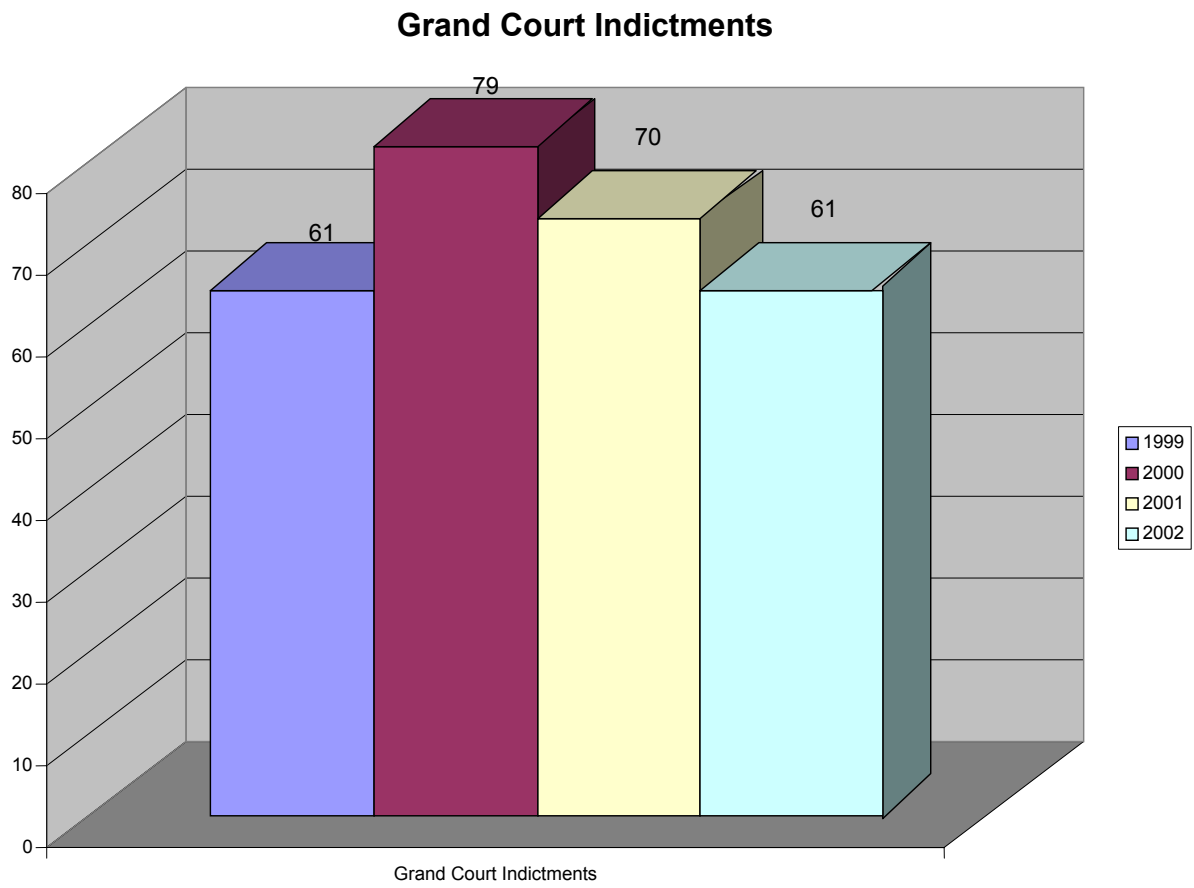


Figure 5

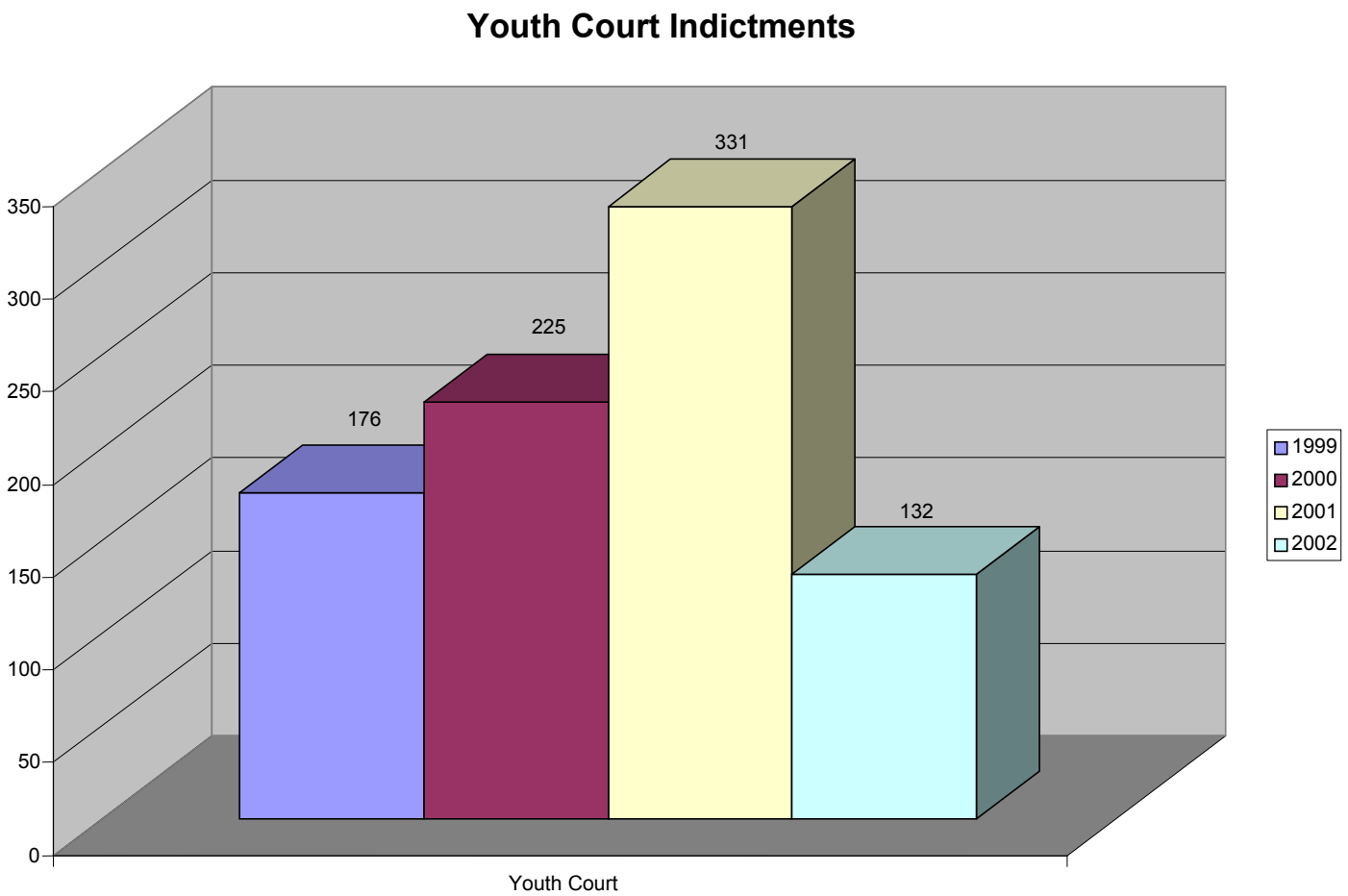


Figure 6



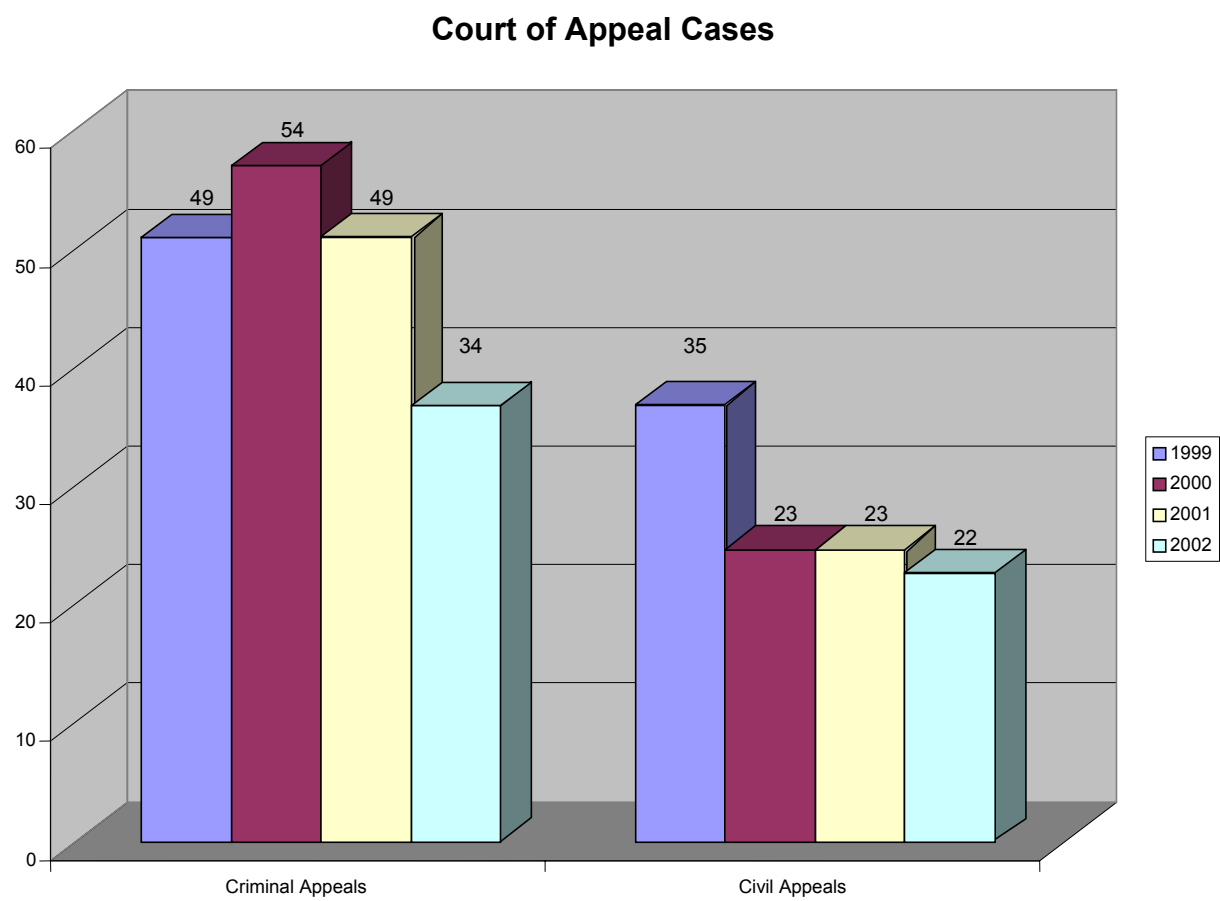


Figure 7

## Nature of Cases 2002 - Summary Court in Divisions

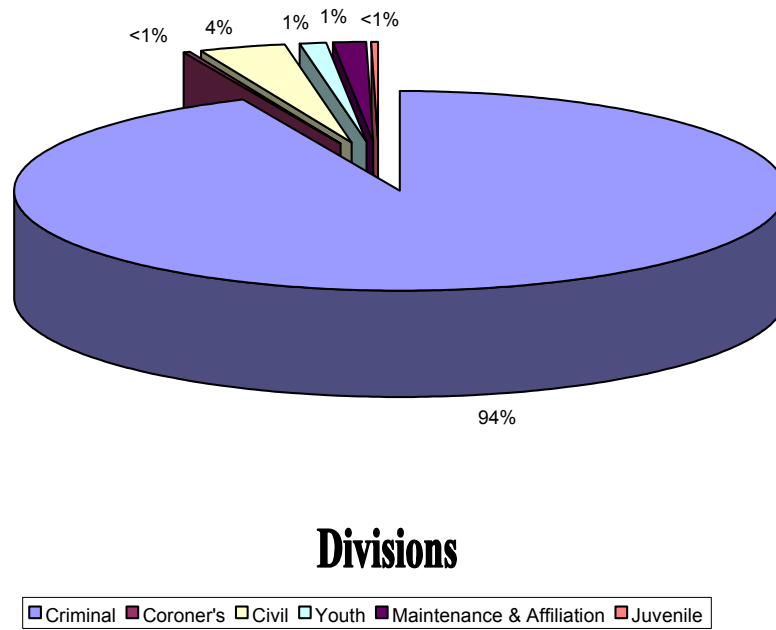
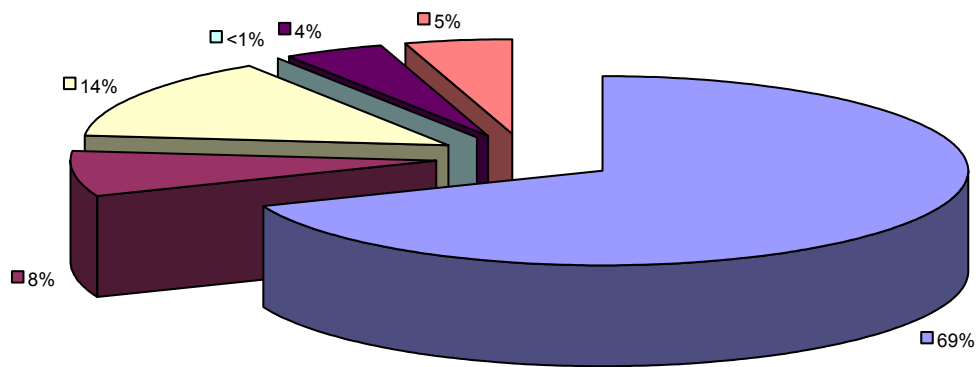


Figure 8

## Nature of Cases 2002 - Grand Court in Divisions



### Divisions

■ Civil ■ Estates ■ Divorces ■ Adoptions ■ Indictments ■ Summary Court Appeals to Grand Court

Figure 9



## **APPENDICES**

**The Judicial Administration's Budgetary Allocation for Year 2002**

**Actual Expenditure for 2002**

**Staffing and Organisational Chart**



THE JUDICIAL ADMINISTRATION'S BUDGETARY  
ALLOCATION FOR YEAR 2002

**ANNUAL BUDGET STATEMENT FOR 2002**

**1. SCOPE OF BUSINESS AND STRATEGIC OBJECTIVES**

- The Judiciary of the Cayman Islands administers in the Cayman Islands and provides additional related services.
  - The Judicial Department is committed to fairly dispensing justice in the Cayman Islands and disposing of cases as quickly and efficiently as in consistent with the interests of justice and to providing a Central Authority under the Mutual Legal Assistance Treaty with the United States of America.
- 
1. To raise the jurisdiction of the Summary Court from \$2,000 to \$25,000 with procedures for simple disposal of small claims up to \$5,000.
  2. To complete the implementation of a criminal case management system.
  3. To interface the courts computer system with other law enforcement agencies.
  4. To implement a civil case management system that will incorporate electronic filing and on-line display of information.
  5. To establish a specialized Drug Court jurisdiction.
  6. To continue to enhance the sinking fund for the new Summary Courts building.
  7. To increase revenue by identifying areas of fees and charges to increase.
  8. To create a web site for access to case law and other judicial services.

## **2002 OUTPUT GROUPS/OUTPUTS**

|                             |  |
|-----------------------------|--|
| <b><u>JUD-01</u></b>        | <p><b>Support Services to the Judiciary</b>, which involves;</p> <ul style="list-style-type: none"> <li>• Assistance in the development of a “Family Court”</li> <li>• Administrative support to assist the co-operation with the U.S. government in accordance with the Mutual Legal Assistance Treaty.</li> <li>• Support to the Chief Justice as head of the judiciary.</li> <li>• Support to a Grand Court Rules Committee.</li> </ul>   |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>• Cases in which assistance is provided to the US: 22 average per year.</li> <li>• Support to the Chief Justice as head of the judiciary.</li> <li>• Legislative questions: 5</li> <li>• Press notices and media contacts: 100 annually</li> <li>• Replies to correspondences: 50 annually</li> <li>• Provide administrative services to an estimated number of meetings of the Grand Court Rules Committee: 6 a year.</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>• Development of the Family Court will be in accordance with the directions given by the Chief Justice.</li> <li>• Media information to comply with the legal requirements for confidentiality of court proceedings and quality control subject to review by Chief Justice: 100%</li> <li>• Administrative services to the Grand Court Rules Committee is subject to review by members of committee: 100%</li> <li>• Current versions of standard text books to be available: 80%</li> <li>• Requests for additional books to be met, subject to funding: 90%</li> <li>• Security checks of members of the public to ensure no weapons are brought into the building: 100%</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>• To meet deadlines set by of the committee: 100%</li> <li>• Information and statistics to the Grand Court Rules committee: to meet deadlines set by committee.</li> <li>• Security available 8:30 a.m. to 5:00 p.m. or until courts are finished.</li> <li>• Period of cover: any day when office is open or court sits.</li> </ul> |

|                             |  |
|-----------------------------|--|
| <b><u>JUD-02</u></b>        | <b>Collection and enforcement services traffic tickets and court imposed fines</b>   |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>• Services to support tickets issued by the police: 5,000</li> <li>• Money collected for court fines: estimated at \$1,300,000</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>• All court fines and monies collected for traffic tickets to be recorded accurately and in accordance with government accounting regulations and subject to internal audit: 95-100%</li> <li>• Warrants issued on outstanding fines: 90% within one month.</li> <li>• All Trustee-in-Bankruptcy transactions to be subject to internal audit and overviewed by a judge: full compliance.</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>• Money received for traffic tickets and court fines remitted to Treasury: 95% within 1 working day.</li> <li>• List of unpaid tickets: 3 days after due date.</li> <li>• Court fines recorded: 90% within 5 days after imposed.</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>  |

|                             |   |
|-----------------------------|---|
| <b><u>JUD-03</u></b>        | <p><b>Services for the conduct of civil and criminal proceedings, for the following:</b></p> <ul style="list-style-type: none"> <li>• Court of Appeal</li> <li>• Grand Court</li> <li>• Summary Court</li> <li>• Youth Court</li> <li>• Coroners Court</li> </ul>   |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>• Civil Cases: 900</li> <li>• Civil Appeals filed: 25</li> <li>• Divorce and Estates cases: 400</li> <li>• Criminal Appeals filed: 65</li> <li>• Criminal charges received in Summary Court: 7,000</li> <li>• Criminal Indictments in Grand Court: 80</li> <li>• Cases involving young persons: 300</li> <li>• Case files prepared for Coroners Court: 34</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>• All Administrative proceedings will comply with the relevant legislative directions: 95%</li> <li>• Case files to include all documents received from police, pathologist and witness. Subject to review by Coroner: 100%</li> <li>• Jurors summonsed in accordance with the Coroners Law and the Judicature Law: 95%</li> <li>• Decisions to be professionally published to the standard expected of international legal reports: 100%</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>• Notifications of results of hearings and appeals: 90% within a week of hearing.</li> <li>• Case files available to the Coroner: 2 days before hearing . Transcripts completed: 1 month of request.</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>   |



|                             |   |
|-----------------------------|---|
| <b><u>JUD-04</u></b>        | <b><u>Justices of the Peace Services</u></b>  |
| <b>Performance Measures</b> | <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>Documents to be in accordance with the order of the court and the Law. Quality control by Judges and Magistrates; Full compliance.</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>A Justice of the Peace to be available to sign documents within 15 minutes of request: 90%</li> </ul> <p><b><u>Location</u></b></p> <ul style="list-style-type: none"> <li>Youth Court, George Town</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>   |

|                             |  |
|-----------------------------|--|
| <b><u>JUD-05</u></b>        | <b><u>Servicing of court documents and enforcement of court orders</u></b>   |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>Documents received from courts in the Cayman Islands for the bailiff to attempt to serve or enforce: 2,500</li> <li>Documents received from courts outside the Cayman Islands for the bailiff to attempt to serve or enforce: 80</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>Documents to be served in accordance with rules of the relevant court: 100%</li> <li>Documents to be served in accordance with the Hague Convention: 100%</li> <li>Writs of execution dealt with in accordance with the Rules of the Grand Court.</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>Service of documents: 90% within 14 days.</li> <li>completion of affidavit of service: 90% within 3 days of service.</li> <li>Writs of execution dealt with: 90% within 14 days.</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>  |

|                             |   |
|-----------------------------|---|
| <b><u>JUD-06</u></b>        | <b>Maintenance of a register of Attorneys, Notaries Public and Justices of the Peace</b>  |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>• Attorneys registered: 250</li> <li>• Justice of the Peace registered: 105</li> <li>• Notaries Public registered: 220</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>• Register of Attorneys to be in accordance with the Legal Practitioners Law: 100% subject to review by Chief Justice.</li> <li>• Register of Notaries Public and Justice of Peace to be in accordance with the Summary Jurisdiction Law and the Notaries Public Law.</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>• Certificates of enrollment issued: 14 days after appointment.</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>   |

|                             |   |
|-----------------------------|---|
| <b><u>JUD-07</u></b>        | <b>Provision of Legal Aid service to qualified persons</b>  |
| <b>Performance Measures</b> | <p><b><u>Quantity</u></b></p> <ul style="list-style-type: none"> <li>• Civil legal aid applications processed: 175 in a year</li> <li>• Criminal legal aid applications processed: 240 in a year</li> </ul> <p><b><u>Quality</u></b></p> <ul style="list-style-type: none"> <li>• Applications subject to review by judge: 90%</li> <li>• Assessment of bills to be in accordance with the Chief Justice practice direction. Subject to internal audit and rejection by Treasury: 90%</li> </ul> <p><b><u>Timeliness</u></b></p> <ul style="list-style-type: none"> <li>• Certified bills to Treasury for payment: 90% within 21 days of receipt.</li> <li>• Legal Aid certificate issued 21 days after granted.</li> </ul> |
| <b>Other</b>                | <p><b>Related</b><br/><b>Vision 2008 Strategy 8</b></p> <p><b>Priority:</b></p> <p><b>Cost:</b></p>   |

2. 2002 SUMMARY OF ESTABLISHMENT

| <b>DESCRIPTION OF POST</b>                   | <b><u>NO. OF POSTS</u></b> | <b><u>SALARY SCALE</u></b> |
|--|----------------------------|----------------------------|
| Chief Justice                                | 1                          | A                          |
| Puisne Judge                                 | 3                          | A                          |
| Court Administrator                          | 1                          | E                          |
| Magistrate                                   | 3                          | F                          |
| Clerk of the Court                           | 1                          | H                          |
| Registrar of the Court of Appeal             | 1                          | I                          |
| Deputy Clerk of the Court                    | 2                          | K                          |
| Court Reporter                               | 4                          | K                          |
| Office Manager                               | 1                          | L                          |
| Personal Secretary                           | 1                          | L                          |
| Accountant                                   | 1                          | L                          |
| Articled Clerk                               | 3                          | L                          |
| Listing Officer                              | 1                          | L                          |
| Supervisor – Civil Registry                  | 1                          | L                          |
| Information Systems Analyst                  | 1                          | L                          |
| Higher Executive Officer                     | 1                          | M                          |
| Administration Secretary                     | 5                          | N                          |
| Librarian                                    | 1                          | N                          |
| Maintenance & Affiliation Officer            | 1                          | N                          |
| Bailiff                                      | 2                          | N                          |
| Chief Marshal                                | 1                          | N                          |
| Supervisor – Criminal Registry               | 1                          | N                          |
| Marshal                                      | 7                          | O                          |
| Executive Officer                            | 4                          | P                          |
| Clerical Officer                             | 7                          | Q                          |
| <b><u>TOTAL ESTABLISHED POSTS</u></b>        | 55                         |                            |
|  |                            |                            |
| <b>DESCRIPTION OF POST</b>                   | <b><u>NO. OF POSTS</u></b> | <b><u>WAGE SCALE</u></b>   |
| Office Attendant III                         | 1                          | GAA                        |
| Office Attendant II                          | 3                          | GBB                        |
| Customer Service Attendant                   | 1                          | GCC                        |
| <b><u>TOTAL OCCUPATIONAL GROUP POSTS</u></b> | 5                          |                            |
|  |                            |                            |
| <b><u>TOTAL ESTABLISHMENT</u></b>            | 60                         |                            |
|  |                            |                            |

### 3. SUMMARY CASH BASED FINANCIAL STATEMENT

| JUDICIAL DEPARTMENT                      | 2002 ESTIMATES |
|--|----------------|
|  |                |
| PERSONAL EMOLUMENTS                      | 2,269,574.00   |
| TRAVELLING & SUBSISTENCE                 | 46,699.00      |
| SUPPLIES & MATERIALS                     | 94,786.00      |
| UTILITIES                                | 176,215.00     |
| OTHER OPERATING AND MAINTENANCE EXPENSES | 2,201,894.00   |
| GRANTS, CONTRIBUTIONS AND SUBSIDIES      | 17,458.00      |
| INTERDEPARTMENTAL PURCHASES & SERVICES   | 3,600.00       |
| REFERENCE MATERIALS AND OTHER            | 59,830.00      |
| TOTAL RECURRENT EXPENDITURE              | 4,870,056.00   |
| STATUTORY EXPENDITURE                    | 84,238.00      |
|  |                |
| TOTAL BUDGET                             | 4,954,294.00   |

**DEPARTMENTAL WARRANT**  
**JANUARY – DECEMBER 2002**

| <b>ACCOUNT</b>                                  | <b>2002 ESTIMATED</b> |
|---|-----------------------|
| <b>COST = 0200 (JUDICIAL)</b>                   |                       |
| <b>PERSONAL EMOLUMENTS</b>                      |                       |
| 50011 Basic Salary                              | 2,108,439             |
| 50013 Overtime                                  | 1,940                 |
| 50014 Leave                                     | 3,000                 |
| 50017 Wages                                     | 87,127                |
| 50018 Temporary Relief                          | 8,000                 |
| 50020 Contractual Officers Supplement           | 48,578                |
| 50029 Acting Allowance                          | 10,000                |
| 50031 Duty Allowance                            | 2,489                 |
| <b>TOTAL</b>                                    | <b>2,269,573</b>      |
| <b>TRAVEL &amp; SUBSISTENCE</b>                 |                       |
| 50205 Mileage Claims                            | 9,000                 |
| 50206 Motor Car Upkeep                          | 6,000                 |
| 50224 Official Travel – Expense                 | 31,699                |
| <b>TOTAL</b>                                    | <b>46,699</b>         |
| <b>SUPPLIES &amp; MATERIAL</b>                  |                       |
| 50960 Uniforms                                  | 5,000                 |
| 50961 Vehicle Fuel and Oil                      | 1,600                 |
| 50964 Paper and Printing Consumables            | 8,328                 |
| 51001 Office Supplies - Consumables             | 19,829                |
| 51051 Printing                                  | 2,544                 |
| 51052 Publications, periodicals                 | 3,885                 |
| 51080 C.I. Law Reports                          | 55,200                |
| <b>TOTAL</b>                                    | <b>96,386</b>         |
| <b>UTILITIES</b>                                |                       |
| 51405 Electricity                               | 104,574               |
| 51420 Water                                     | 7,548                 |
| 51430 Telephone Charges                         | 58,325                |
| 51450 Facsimile Charges                         | -2,132                |
| <b>TOTAL</b>                                    | <b>172,579</b>        |
| <b>OTHER OPERATING AND MAINTENANCE EXPENSES</b> |                       |
| 54223 Attendance Allowance – Govt. Commit       | 126,618               |
| 54256 Professional Fees                         | 84,500                |
| 54306 Janitorial Services                       | 37,200                |
| 54320 Maintenance – Office Equipment            | 21,807                |
| 54351 Computer Software Maintenance             | 29,222                |
| 54403 Security Services                         | 51,296                |
| 54407 Court of Appeal Expenses                  | 401,568               |
| 54430 Legal Aid Fees                            | 830,000               |
| 54433 Overseas Postage                          | 12,183                |
| <b>TOTAL</b>                                    | <b>1,594,394</b>      |

|   |                  |
|---|------------------|
| <b>GRANTS, CONTRIBUTIONS AND SUBSIDIES</b>        |                  |
| 54885 Information Technology Training             | 505              |
| 54915 Miscellaneous                               | 245              |
| 54935 Other Training                              | 16,708           |
| <b>TOTAL</b>                                      | <b>17,458</b>    |
| <b>INTERDEPARTMENTAL PURCHASES &amp; SERVICES</b> |                  |
| 57065 Vehicle and Equipment Maintenance           | 2,000            |
| <b>TOTAL</b>                                      | <b>2,000</b>     |
| <b>REFERENCE MATERIALS AND OTHER</b>              |                  |
| 57156 Reference Books                             | 42,183           |
| 57161 Miscellaneous                               | 17,647           |
| <b>TOTAL</b>                                      | <b>59,830</b>    |
|   |                  |
| <b>TOTAL RECURRENT EXPENDITURE</b>                | <b>4,258,919</b> |
| <b>STATUTORY CONTRIBUTION – PSPF</b>              |                  |
| 58103 Pension Contribution - PPE Employee         | 79,010           |
| 58104 Pension Contribution - Group Employee       | 5,228            |
| <b>TOTAL</b>                                      | <b>84,238</b>    |
|   |                  |
| <b>TOTAL STATUTORY EXPENDITURE</b>                | <b>84,238</b>    |
|   |                  |
| <b>TOTAL BUDGET</b>                               | <b>4,343,157</b> |



## **ACTUAL EXPENDITURE**

**SUMMARY CASH BASED FINANCIAL STATEMENT**  
**ACTUAL EXPENDITURE**

|  |                  |
|--|------------------|
| JUDICIAL DEPARTMENT                        | 2002 EXPENDITURE |
|  |                  |
| PERSONAL EMOLUMENTS                        | 2,283,251.95     |
| TRAVELLING & SUBSISTENCE                   | 37,487.85        |
| SUPPLIES & MATERIALS                       | 79,673.58        |
| UTILITIES -                                | 153,605.02       |
| OTHER OPERATING AND MAINTENANCE EXPENSES - | 2,007,157.48     |
| GRANTS, CONTRIBUTIONS AND SUBSIDIES        | 17,167.49        |
| INTERDEPARTMENTAL PURCHASES & SERVICES     | 3,948.38         |
| REFERENCE MATERIALS AND OTHER              | 40,575.81        |
| TOTAL RECURRENT EXPENDITURE                | 4,622,867.56     |
| STATUTORY EXPENDITURE                      | 84,918.99        |
|  |                  |
| TOTAL EXPENDITURE                          | 4,707,786.55     |

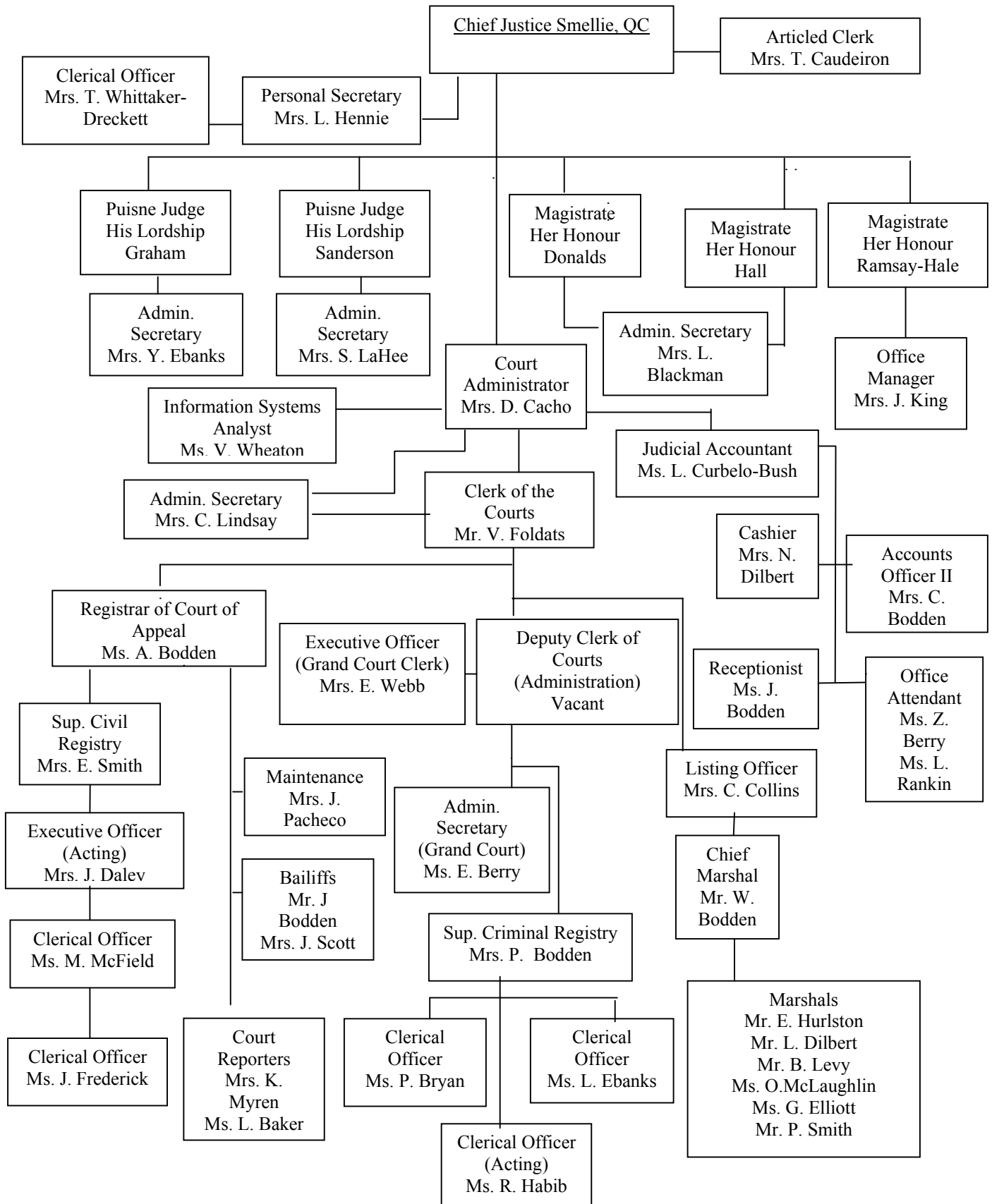




## **STAFFING AND ORGANISATIONAL CHART**

(at 1<sup>st</sup> January 2002)

# Staffing and Organizational Chart as at 1<sup>st</sup> January 2002





## JUDGES AND MAGISTRATES



*Left to Right: Mr. Justice Edwards Q.C., (Acting Judge), Magistrate Ramsay-Hale, Magistrate Nova Hall, Hon. Chief Justice, Anthony Smellie Q.C., Mr. Justice Dale Sanderson Q.C., and Magistrate Grace Donalds. Photo: Ward Scott, GIS.*



**Mr. Justice Henry Graham,  
retired Puisne Judge 1997-2002.**  
Photo: Randy Ebanks, Cayman Camera.



**Madame Justice Levers,  
incoming Puisne Judge.**  
Photo: Justin Uzzell.



## STAFF PROMOTIONS



***Left to Right: Mr.Valdis Foldats, Clerk of Courts; Mrs. Yasmin Ebanks, Listing Officer; Mrs. Delene Cacho, Court Administrator, Mrs. Cecile Collins, Deputy Clerk of Courts (Administrative/Criminal) and Mrs. Audrey Bodden, Registrar of the Court of Appeal.***  
Photo: Angela Piercy, GIS.





## **COURT STAFF**



**Group Photo of the Court Staff on the steps of the Court House.** Photo: Ward Scott, GIS.