

CBA President's Address for the opening of the Grand Court

12th January 2012

1. Introduction

My Lord Chief Justice, Honourable Justices of the Grand Court and, I rise on behalf of the Caymanian Bar Association to second the motion of the Honourable Attorney General to open the Grand Court for the year 2012.

And with your indulgence, My Lord, I will highlight some of the work undertaken by the Association over the past year and issues affecting Caymanian attorneys and the legal profession generally.

I am pleased to report that the Cayman Islands Law Society and the Association have again worked together to limit the overlap between our respective addresses. In particular, my learned friend from the Law Society will address the changes to the make-up of the Grand Court, Court of Appeal and Cummary Court, and I join him in extending a warm welcome to the new judicial appointments and a fond farewell to those who have moved on.

2. The CBA in 2011

I was elected President of the Caymanian Bar Association at an Annual General Meeting held in February of last year, together with a new Council. We look forward to dealing with the challenging issues of our growing profession specifically as they impact Caymanian lawyers. I would like to take this opportunity to extend my gratitude and that of the Association to the previous Council and, in particular, to the immediate past President James Bergstrom, for their service and dedication.

We are pleased to report that the Association has now increased to over 150 members. There are very few remaining Caymanian lawyers who are not members of the Association. We now also have over 75 honorary student members comprised of Caymanian law students studying both locally and abroad, and articled clerks. We also granted an honorary membership to former Chief Magistrate Margaret Ramsay-Hale for her contribution to the legal profession in these Islands and, in

particular, the promotion of the administration of justice and the protection of civil liberties.

3. Cayman Islands Law School

In 2011, the Association again delivered presentations at the Cayman Islands Law School providing Professional Practice Course students and first year students with an expectation of what they face if they are successful in their studies. It is important that our students have a realistic expectation of what the practice of law will mean for them as well as the grades that are needed for them to be competitive both in the local environment and abroad, and to be competitive against foreign trained lawyers.

4. Articled Clerks

As most of you know the Association has prepared a comprehensive training programme for Articled Clerks, which is available to all on our website, for the purpose of assisting those practitioners who do not have either the expertise or resources to

produce their own programme, and also to provide a benchmark for all existing programmes.

We have also during the past year submitted a proposal to the Legal Advisory Council to enable those same practitioners to more actively participate in the training of Articled Clerks by facilitating the sharing of Articled Clerk training across a number of smaller firms rather than requiring each firm to retain an Articled Clerk for the entire 18 month duration of his or her training which might be fiscally impossible for the smaller firms. It is hoped that between one to three Caymanian graduates per year can be accommodated on this programme which should have a positive impact on the number of graduates that are unable to secure Articles.

5. Post-Qualification Training Programme

The Association is also developing a comprehensive training programme for newly qualified Caymanian lawyers to ensure consistent training practices across all firms for the first three

years of their qualification. We hope this will enable those Caymanian lawyers to be more competitive with equivalently qualified on-shore lawyers from jurisdictions which already have established continuing legal education programmes.

6. Legislative Initiatives

During the course of the year, the Association has reviewed and provided commentary on numerous legislative initiatives and I thank those members who sat on the various sub-committees for their time and effort in this regard. We look forward to working with the Honourable Attorney General this year to see those initiatives through to conclusion, and of course remain available to assist in the review of any new initiatives.

7. Legal Practitioners Bill

It is however with regret that I once again have to comment on the non-passage of the Legal Practitioners Bill, the form of which was agreed by both the Association and the Law Society over two years ago.

In addition to contributing to Cayman's loss of market share as an international financial centre and harming our reputation as a progressive jurisdiction, we have now witnessed first hand the negative impact that the failure to pass the legislation has had on Caymanian lawyers in particular, who have now lost the ability to qualify into the United Kingdom based on their Cayman professional qualification because of the absence of a Code of Conduct governing the profession in these Islands, provision for which of course is contained in the draft but as yet un-passed legislation. This prevents many young Caymanian lawyers from pursuing experience and opportunity in the United Kingdom, and also acts to severely curtail opportunities in other offshore jurisdictions where a UK qualification is required including the BVI, Bermuda, the Channel Islands and Hong Kong – all jurisdictions in which Cayman firms have a presence.

As a consequence, the Association led an initiative in consultation with the Law Society for the adoption of a voluntary Code of

Conduct for Cayman Islands Attorneys-at-law. To that end, at an Extraordinary General Meeting of the Association held in November, 2011 the Association unanimously adopted the Code of Conduct for Cayman Islands Attorneys-at-law as the professional code of conduct for its membership, and a majority of the individual members of the Law Society have now done likewise. A copy of the Code is available on our website.

The Association now intends to apply to the Law Society of England and Wales for a reinstatement of the right of Caymanian lawyers to qualify into the United Kingdom.

8. Immigration Sub-Committee

In keeping with its mandate, the Association has re-constituted its Immigration Sub-Committee to review the Immigration Law and Regulations to determine whether any changes are necessary to ensure the continued protection, promotion and enhancement of the interests of Caymanian attorneys in the profession as a whole. We look forward to working with the Immigration Authorities and

other stakeholders to determine the nature and extent of any areas of concern.

9. Court facilities

Finally, there continues to be a pressing need for another modern court building as the Courts and case loads continue to expand.

While I appreciate fully the current financial position of Government, I think the time has come to re-examine the previously approved plans and work out an acceptable solution to this long-standing problem.

10. Conclusion

Now it only remains for me formally to second the Attorney General's motion to open the Grand Court for 2012 and on behalf of the Caymanian Bar Association I would like to take this opportunity to wish all Judges of the Grand Court, all Summary Court Magistrates, all the Court Staff and fellow members of the legal profession a very happy, healthy and prosperous 2012.

Dale Crowley
President
Caymanian Bar Association
11 January 2011