

**REMARKS BY COLIN McKIE, ESQ. ON BEHALF OF
THE EDITORS OF THE CAYMAN ISLANDS LAW REPORTS**

My Lord Chief Justice, Hon. Justice Henderson, Hon. Justice Quin, Hon. Acting Justice Jones, Hon. Chief Magistrate, Hon. Magistrates, Hon. Acting Governor, Hon. Premier, Mr Attorney, Hon. Members of the Legislative Assembly, my colleagues at the Bar, our Special Guests, Ladies & Gentlemen

If it may please my Lords.

For the second year Ramon Alberga QC, Father of the Bar, has chosen not to exercise his usual prescriptive right but instead invited me to present the address on behalf of the Cayman Islands Law Reports. I am greatly honoured to have been asked to speak in his place this year, and I can only hope to bring some small measure of Mr Alberga's wisdom and perspective to this address.

Today is the 18th consecutive ceremony marking the opening of the Grand Court for the New Year. It was inaugurated in 1992 by the late Chief Justice Sir Dennis Malone and it has become an occasion for the Bench and Profession to take stock on the previous year and look forward to the new year, and afterwards to enjoy some judicial hospitality.

I am privileged to be able to associate myself with the motions to open the Grand Court for the year 2010 moved by Mr Attorney and seconded jointly and comprehensively by the President of the Law Society and the President of the Bar Association and to add an addendum of my own

At the outset I should like to extend my own personal wishes for a happy and prosperous year to your Lordship, to the Judges of the Grand Court, to our Magistrates, to the Courts Administrator and Clerk of the Courts and all the administrative staff who man the Courts offices, who are always so helpful to the public and profession.

As we have already heard, 2009 marked the division of the business of the Grand Court into 5 separate divisions – Criminal, Financial Services, Admiralty, Family and Civil. This division has been long in the making and it has been universally well-received. We welcome two of our own members to the Bench, Mr Angus Foster QC and Mr Andrew Jones QC, who were appointed as Commercial Judges of the Financial Services Division. They will be joined by Sir Peter Cresswell, who recently retired from a long and distinguished career as a High Court judge of the Queen's Bench Division in England. Each of them will bring their very considerable experience and learning to the Bench.

2009 was a year in which our Courts were particularly active in the production of comprehensive written decisions and, despite the economic downturn, one in which the number of names on the roll of Attorneys entitled to practise in our Courts has reached a new record.

The reporting of judgments is, of course, fundamental to the development of our common law, and to its understanding by judges, practitioners, and the public at large. It is therefore only right that we publicly acknowledge the essential role of the judiciary in that regard. Last year, our judges undertook and completed a great volume of work. 138 written judgments and rulings were handed down in the past 12 months by the judges sitting in this Court and the Court of Appeal, another new record and a figure that represents an increase of 25% over 2008 – and is a rate of nearly 3 per week. A number of them concerned novel matters relating to issues as diverse as elections,

mergers, injunctions, derivative actions, fund disputes, insolvencies and trusts, as well as setting important guidelines in more established areas, such as sentencing in rape and firearms cases and for financial provision in divorces. The preparation of written judgments requires an enormous amount of time and effort outside the hours spent in Court and I know that I speak for the profession when I say that we are particularly grateful to our judges for the provision of these detailed reasons and the commendably short time that elapses between the conclusion of a hearing and the appearance of the written reasons.

The numbers of attorneys practising in the Cayman Islands remains at a high level, reflecting the great growth in financial services business handled in these Islands for clients based in the financial and commercial centres of the world, but also reflecting the substantial increase in the commercial and economic activity in the Islands and our population. Last year marked the 40th anniversary since the passage of the Legal Practitioners Law. You will forgive me for pausing to reflect on the growth in the number of attorneys on the Roll over the last 40 years. In 1969 only 26 attorneys were admitted to the Roll. By 1975 there were 35 names on the Roll. I do not have the figure for 1985 but by the end of 1995 the number had increased to 163 and in 2005 the number had reached 378. As of this morning, there are 391 attorneys' names entered on the Roll, and allowing for a number of who have yet to submit their annual renewals, we can therefore comfortably expect to have for the first time more than 400 attorneys on the Roll, the overwhelming majority of which are still in active practice. There are now 30 law firms operating in the Cayman Islands together with a number of sole practitioners and attorneys practising as barristers.

Our Law Reports continue to grow in popularity and are frequently referred to in the judgments of other jurisdictions and in some of the leading texts of the world. The publication of the 2009 volume when completed will be the 21st volume produced since their introduction, and the period of reporting will span 58 years. To date nearly 1500 judgments have been reported. Considering and editing the 138 rulings handed down in 2009 will keep the editors of the Law Reports busier than ever.

I am pleased to be able to report that with the assistance of our Editor and publisher, Dr Alan Milner, the Judicial and Legal Information web-site has now been populated with all the decisions of the Cayman Islands Law Reports up to and including 2008. I commend this valuable online tool to the Bench and practitioners alike.

I would also like to record the fact that on the occasion of the celebration of Her Majesty's Birthday, HM the QUEEN was graciously pleased to appoint Dr Milner to the Order of the British Empire for his services as provider of law reports to the Cayman Islands and other Overseas Territories and Crown Dependencies, and for his contribution to good governance in Africa. Dr Milner has asked me to convey to your Lordships and to the entire legal profession his best wishes for a successful and happy 2010 and regrets that he was not able to be present today.

I would also like to express our thanks to those overseas judges and local practitioners who have willingly given up their valuable time to sit as acting judges of the Grand Court during 2009 – Mr Justice Roy Anderson, Mrs Justice Carol Beswick, Mr Justice Lennox Campbell, Mr Angus Foster, Mr Justice Karl Harrison, Mrs Justice Ingrid Mangatal, Mr Justice Leighton Pusey, and Mr Justice Algernon Smith.

I regard it as an honour and a privilege to have been allowed to add these few remarks. I end by wishing you good health in 2010. It now only remains for me to wish a prosperous, health and happy New Year to all the judges and magistrates of this Court, and to their administrative staff, and to all members of the profession, and to the people of the Cayman Islands.

I have the honour to support Mr Attorney's motion this morning

Colin McKie

13 January 2010