

**GRAND COURT OPENING 13 January 2016 – REMARKS BY
THE HON. ATTORNEY GENERAL**

My Lord Chief Justice, Hon. Judges of the Grand Court, Hon. Chief Magistrate, and other Hon. Magistrates, Madam DPP, Madam Solicitor General, other colleagues at the Bar, public and private, our special guests, Ladies and gentlemen.

My Lord Chief Justice, I rise at your invitation to move the motion for the opening of the Grand Court for the Year 2016.

In doing so, I crave the indulgence of your Lordship to make a few observations.

My Lords, I consider it appropriate to begin by noting the upcoming retirement of the President of our Court of Appeal Sir John Chadwick who presided over his final sitting last November.

My Lord Chief Justice – you described the Judgments of Sir John as “brimming with intellect and depth of knowledge of the working of the

law”. I am content in saying that I cannot improve upon those sentiments but would understandably wish to join others in hailing his tenure. Cayman was fortunate to have him as a member of the appellate Court.

And while we will have another opportunity to formally welcome the new President I wish at this stage to observe how fortunate Cayman is as a jurisdiction to have someone of his eminence succeeding Sir John.

Thanks also to Justice of Appeal Mottley who also formally demitted office last year. We are eternally grateful for his professionalism and dedication to duty. Allow me to also note the retirement from the Jamaica Court of Appeal of Mr. Justice Seymour Panton – He also served on this bench as an acting Judge for decades and I imagine his retirement there means he is also retired from here, at least on the Grand Court.

Permit me to also welcome Justices of Appeal Sir Alan Moses, Sir Richard Field, and Hon. Dennis Morrison and to also welcome Justices Clifford and Segal.

My Lords, allow me to also congratulate former President of our Court of Appeal Rt. Hon. Sir Edward Zacca OJ, who was knighted last year for services to the judiciaries of the Overseas Territories, namely the Cayman Islands, Bermuda and Turks and Caicos Islands.

My Lords, during last year we saw more evidence of the society's continuing consciousness of the Bill of Rights, and although no major matters made it to the courts, we saw passionate public discourse about same-sex relationships as well as press freedom, among other issues.

We also saw important rulings from this court, including judgments affirming the role of this Court to provide appropriate oversight in ensuring that public officials act in a manner contemplated by S. 19 of the Constitution in matters such as immigration decisions – and that there will be continuing heightened scrutiny by the courts to ensure compliance by public officials and agencies. There were significant judgments also in all other areas, including Financial Services matters, Family matters, the issue of temporary or limited admission of foreign Attorneys, as well as criminal cases. We look forward my Lords to

hearing more about the output from the courts as well as the work of the Grand Court Rules Committee in later contributions this morning.

On the issue of court facilities we note that the much needed accommodation continues to receive attention and budgetary support from Government.

My Lords, on the legislative front we saw the promulgation of a number of very significant pieces of legislation last year – these include the revamped Legal Aid Law and the Whistleblower Protection Law. The Conditional Release Law is also due to come into effect in February of this year. We also saw the promulgation of the relevant S.89 Constitution Order to allow for the country to transition to one person one vote and single member constituencies.

Looking ahead in this area my Lords, the Law Reform Commission is currently soliciting public input on a number of initiatives, including potential Consumer Protection legislation and conditional and contingency fee agreements, among others.

The Government is also hoping to deal with proposed amendments to the Anti-corruption Law, as well as some tidying up of the Standards in Public Life Law. We are also hoping to roll out a Data Protection Law during the course of this year and to have legislation dealing with formal police cautions of adults for certain criminal offences; we will also be seeking to modify our evidence law to deal with certain aspects of Hearsay evidence. Labour, Pensions and PSML Laws will also be reviewed, and we will also be looking at rolling out a Limited Liability Companies Law.

My Lords, in direct response to the concerns raised by my Lord Chief Justice at last year Grand Court opening – I am happy to report that the Government has moved quite swiftly to address the issue of appropriate facilities for vulnerable children who require care and protection and are being looked after by the Department of Children and Family Services.

Thanks to a public-private initiative the expansion of the Frances Bodden Children Home has now been completed and about to be

occupied by new residents where male and females will be largely segregated.

There are also ongoing initiatives to complete the facilities for girls and boys at Phoenix House, Cabinet's approval has already been given and there are now periodic placements by Magistrates at this facility.

And finally on this area, there is now greater synergy between Crown Counsel Chambers and the Department of Children and Family Services in dealing with public law applications to the court under the children's law.

Also along similar lines, Her Excellency the Governor is currently actively exploring establishing a Child Safeguarding Board similar to those in the UK.

This would be done pursuant to the Children Law, subject to a bit of tweaking thereto, and would include as its main focus, - bringing key agencies together to streamline children safeguarding policies and procedures, provision for training, and serious case review, including in instances of deaths .

My Lords the past year saw the implementation in the Summary Court of the new case management system recommended by the Criminal Justice Advisor. Already its ultimate aim of fostering speedier disposals of cases by focusing the minds of all concerned on the issues and on early trial dates is being realized with respect to a number of new cases which came before the Courts last year after its implementation date.

The Learned Chief Magistrate and her team including five Acting Magistrates and Court Staff are to be commended for the efficient way in which they have sought to implement change and to deal with the large volume of matters before the four summary courts which sit on a daily basis.

In the Grand Court, case management initiatives implemented by the Judges of the Grand Court with the able assistance of the Listing Officers ensure that custody matters are given priority hearing dates and that most custody matters are disposed of within a six to twelve month period after committal. This again my Lords, is very commendable.

My Lords, if I might also mention briefly some specific Portfolio of Legal Affairs issues, starting with the retirement of Mr. Lindsey Cacho as Director of the Financial Reporting Authority (“FRA”).

Although his last decade or so was served with the Portfolio of Legal Affairs most of us are aware that his public service to these Islands goes way back and spans some forty plus years starting with his long and distinguished career as a member of the Royal Cayman Islands Police force where he rose to the rank of Chief Superintendent and acted on occasions as Commissioner and Deputy Commissioner.

He also gave exemplary service at the FRA and we understandably wish to thank him sincerely and wish him a happy retirement.

We also welcomed back Ms. Michelle Daley as Senior Legislative Counsel after brief sojourns in Belize and Anguilla. We also welcomed Ms. Rachel Hoare a Human Rights Crown Counsel, and Mr. Don MacPherson a legislative drafter.

My Lords, the Cayman Islands Law School continues to be a centre of excellence in the provision of legal education. It is therefore no surprise

that the September 2015 new students intake was very strong with some 30+ students enrolling in the full and part-time LLB (Hons) programmes.

The school also intends starting this summer to re-launch the Law School Bulletin to provide a summary of leading local cases as well as a medium for the publication of legal articles on matters of local and regional significance.

I therefore wish to thank the Director Mr. Mitchell Davies and his staff for their continued hard work. So too I wish to thank the Attorneys, indeed the entire staff in the Portfolio of legal Affairs for their dedication and support throughout the year as we continue to strive to provide quality legal support to the Government.

My Lords in the Office of the DPP, the new post of Serious Crime Case Manager was filled by former Detective Inspector of Police Dennis Walkington who commenced employment in July of last year. His role includes acting as a liaison with the Police in areas of disclosure and case preparations. This has been of great assistance not only in respect of

major cases but also as part of the ongoing work to improve efficiency in all areas.

The Office also welcomed the arrival in September of new Crown Counsel Eleanor Fargin replacing Marilyn Brandt who has joined the AG's Chambers.

Allow me my Lords to also publicly recognize the excellent work over the last year of the learned Director of Public Prosecutions and her dedicated team of prosecutors. They continue to have a heavy workload which they handle with a demonstrably high level of dignity, professionalism and commitment. Of course there is another partner in this equation my Lords and it is the RCIPS under the able leadership of our Commissioner of Police. We again wish to thank them for their continuing hard work and dedication to service as they pursue with vigor the maintenance of law and order.

I wish also to publicly recognize my colleagues at the private bar, the President and members of the Bar association, President and members of the Law Society and indeed all others for their professionalism and

quality legal services to the jurisdiction – and in doing so my Lords I wish to also note with sadness the untimely passing of our late colleague Mr. Irvin Banks, and to offer condolences to his family.

My Lords, we will hear more about it shortly but allow me to publicly recognize the stellar job being performed by the entire Judiciary ably supported of course by the staff of the Judicial administration; unfortunately I have no reason to think that this year will see less traffic in the courts, but the Government is committed to providing, the necessary resources to facilitate the continuing access to justice for our people and to ensure the smooth operation of the administration of Justice – and ultimately support for the rule of law.

It is on this note my lords, after wishing all present a happy and prosperous new year, that I now formally move the motion for the opening of the court for the 2016 year. I so move, if it pleases you my Lords.

Hon. Samuel Bulgin QC, JP
Attorney General
January 13, 2016