



CAJO News

CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

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The Honourable
Mr. Justice
Neville Adderley

TRIAL WITHOUT JURY



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In Belize, amendments to the Indictable Procedures Act, the Indictable Procedure (Amendment) Act and the Juries (Amendment) Act, gave effect that any person committed for trial indicted after August 1, 2011 for the offence of attempt to murder, or any of the offences listed in section 65A(2), must be tried before a Supreme Court Judge sitting alone without a jury.

This legislative change comes amidst serious issues surrounding jury tampering and intimidation in Belize.
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We welcome readers to the inaugural edition of CAJO NEWS, the electronic newsletter of the Caribbean Association of Judicial Officers. CAJO NEWS is yet another initiative aimed at increasing camaraderie and building mutual understanding among judicial officers of the region. In providing a forum for the sharing and exchanging of ideas and experiences, CAJO NEWS aims to contribute to the enhancement of judicial performance standards across the region.

CAJO NEWS will be produced on a quarterly basis and on each occasion shall feature a particular judicial officer of the region. In this inaugural edition we are pleased to place the spotlight on The Honourable Mr Justice Neville Adderley, who was appointed as a Supreme Court Judge of The Bahamas in September, 2007. This edition also features excerpts from Sir Dennis Byron's address on Judicial temperament to the Barbados judiciary along with articles on interesting innovations in justice delivery in the region. We look briefly, for example, at Belize's experiment in non-jury murder trials, judicial training in Guyana and Jamaica, and the CCJ's work on Codes of Ethics.

The production of this newsletter is entirely due to the efforts of a committee chaired by CAJO Chairman and CCJ Justice Adrian Saunders and including Justice David Fraser of Jamaica, Magistrate Ms Ann-Marie Smith and Ms Lovett Griffith of Belize, Justice Roy Jones of The Bahamas, Court Administrator Mr Gregory Girard of Saint Lucia, Registrar Ms Marissa Robertson of Trinidad and Tobago, CCJ Research Assistant Ms Melony Morgan, CAJO Secretary Ms Sandra Dee Brown and CCJ Public Education Officer Ms Seanna Annisette. This committee has met regularly via Skype and by video conference over the last few months.

It is intended that the next edition of CAJO NEWS will be published before the end of 2012 and will feature the Chief Justice of Jamaica, The Hon. Mme. Justice Zaila McCalla, President of the Jamaica Court of Appeal, The Hon. Mr. Justice Seymour Panton and Chief Justice and President of the Trinidad and Tobago Court of Appeal The Hon. Mr. Justice Ivor Archie.

The celebrated Barbadian writer, George Lamming, recently wrote:

"I do not think there has been anything in human history quite like the meeting of Africa, Asia, and Europe in this American archipelago we call the Caribbean. But it is so recent since we assumed responsibility for our own destiny, that the antagonistic weight of the past is felt as an inhibiting menace. And that is the most urgent task and the greatest intellectual challenge: How to control the burden of this history and incorporate it into our collective sense of the future."

These words provide a fitting backdrop to this first edition of CAJO NEWS which is being published at a time when the Commonwealth Caribbean joins with Jamaica and Trinidad and Tobago in celebrating their fiftieth anniversary of national independence. The golden anniversary also marks 50 years of the existence of indigenous courts of appeal in the region. CAJO NEWS therefore takes this opportunity to salute Jamaica Chief Justice Madame Justice Zaila McCalla, President of the Jamaica Court of Appeal Mr Justice Seymour Panton and Chief Justice and President of the Trinidad and Tobago Court of Appeal Mr Justice Ivor Archie on the occasion of this significant milestone. There is much of which these judiciaries and their Courts of Appeal can be proud. In our next edition CAJO NEWS shall publish excerpts of a lecture titled The Role of the Court of Appeal in the Building of a Just and Independent Society. The lecture was delivered on Thursday 12th July, 2012 by CCJ Judge Adrian Saunders, at the invitation of the Trinidad and Tobago Judicial Education Institute.

We trust that readers will find in this newsletter several items of interest and we urge everyone to bring CAJO NEWS to the attention of all judicial officers throughout the region. By the expression "judicial officer" we include judges, magistrates, registrars and assistant registrars, court administrators, ombudsmen and any other person appointed or serving in a judicial or adjudicatory capacity. Please also do send us your comments and contributions. In particular, we are looking for interesting articles on matters of judicial education, judicial reform and of course newsworthy items on our judicial officers. An online newsletter is a great avenue for bringing to the attention of the regional public and also our diaspora, the excellent work being done on a daily basis by those who function in the judicial branch of government. Let us use CAJO NEWS to fulfill this mandate. [CAJO]

EDITOR Notes

Message by the Chairman of the Caribbean Association of Judicial Officers

**The Honourable Mr. Justice
Adrian Saunders**

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TOP RIGHT: The Honourable Mr. Justice Neville Adderley

BELOW: The Honourable Mr. Justice Neville Adderley being sworn-in as Judge of the Supreme Court of the Commonwealth of the Bahamas in September 2007.



CAJO
Profile

*The Honourable
Mr. Justice
Neville
Adderley*

As a post-graduate student of the London School of Economics and Political Science in 1971 the Hon. Mr. Justice Adderley has consistently applied in his life the motto "rerum cognoscere causas" meaning "to know the causes of things". LSE is one of the foremost social science universities in the world, ranked alongside Harvard, UC Berkeley and Stanford. In a life dedicated to public service and to casting a wide net in searching for solutions Mr. Justice Adderley's 10-year career in the civil service ended in 1979 as Deputy Permanent Secretary in the Prime Minister's Office. However, over the period in the civil service he had also served as Director of Economic Planning, Deputy Director of Statistics, Chairman of the Prices Commission; and Secretary to the Government Tenders' Board. His public service also included, among other things, Chairman of the Bahamas Development Bank (2002-2007), a Chairman of the Arbitration Tribunals (Labour) for 10 years, and a director of the Broadcasting Corporation of The Bahamas.

Mr. Justice Adderley attended St. Augustine's, a Benedictine High School in Nassau, Bahamas, (since closed); is a "Johnny" having attended St. Johns University, Minnesota, where he obtained a (BA) Mathematics in 1967 and has been selected by the University to its distinguished list of "notable alumni". He studied for the Bar at the College of Law, Chancery Lane, London and Inns of Court School of Law between 1975 and 1978 while on study leave. He was called to the United Kingdom Bar as a member of the Honourable Society of the Inner Temple in November 1978, to the Bahamas Bar in March 1979 and to the Turks and Caicos Bar in May 1982.

He served as a member of the Ethics Committee of The Bahamas Bar Association. Postgraduate legal programs were taken at Harvard Law School, Boston, where he completed its Program of Instruction for Lawyers. He further qualified as a Trust and Estate Practitioner (TEP) by completing the program and examinations of Central Law Training, London in 2006. Upon his appointment as a judge he was invited to become and continues to be a honorary judicial member of the Society of Trust and Estate Practitioners.

He was appointed as a Supreme Court Judge in September 2007. He also serves as a member of the Rules Committee, appointed by the Chief Justice of The Bahamas under s.75 (1) (c) of the Supreme Court Act. A former Senator (1987-1992), prior to his appointment as a Judge he completed 28 years as a private legal practitioner primarily at the civil and commercial bar; areas where he continues to focus as a judge.

He was born on 24th November 1945 in Andros the largest Island in The Bahamas, is a practicing Roman Catholic, married with 3 adult children and is fond of golf and tennis. Mr. Justice Neville Adderley is well regarded as a fine judge, both simple and mysterious; a man of the world, who has read, observed, listened, and remembered; adroit in argument and meticulously fair in his rulings. [CAJO]

Contributed by: The Honourable Mr. Justice Roy Jones -
Supreme Court of the Commonwealth of the Bahamas

Jamaican judges attend seminar on HIV and the law



ABOVE:
The Honourable Mmc. Justice
Zaila McCalla, Chief Justice of Jamaica

On Sunday 15th July several Jamaican Judges and Resident Magistrates attended a UNDP sponsored seminar in Kingston intended to sensitise judges on HIV and the Law.

Seminars such as these are timely as the Caribbean region is second only to sub-Saharan Africa on the prevalence rate of HIV infected persons and judicial awareness of the interface between HIV and the Law can go a long way towards combating stigma and discrimination which help to drive the spread of the epidemic.

The seminar had the full support of Chief Justice Zaila McCalla and President of the Court of Appeal Justice Seymour Panton both of whom were present. Opening and closing remarks were given by Chief Justice McCalla and Ms Akiko Fujii of UNDP brought greetings from the UN Agency. The participants were then exposed to presentations on the science and epidemiology of HIV by Dr Mandeep Dhaliwal of UNDP and by Dr Nicola Skyers of the Ministry of Health in Jamaica. These presentations were followed by discussion on critical issues of law related to HIV during which Attorney-at-Law Mr Maurice Tomlinson presented on Informed Consent, Confidentiality and Discrimination. The highlight of the seminar was a keynote presentation by former Australian High Court Judge Hon. Michael Kirby. Justice Kirby is currently a Commissioner for the Global Commission on HIV and the Law.

Rounding out the faculty was CCJ Judge Adrian Saunders who chaired the proceedings. Chief Justice McCalla told CAJO NEWS that the seminar had a very positive impact and those present went away much better informed about HIV as well as the linkages between the spread of the disease and the application of the law. Last year in The Bahamas CAJO had organized a similar workshop which was also sponsored by UNDP. [CAJO]

YOUR OPINION

What are your thoughts on this issue of CAJO News?

The CAJO Newsletter Committee would like to hear from you

Send your comments and feedback via email to

info@thecajo.org

CCJ working on Code of Ethics

Contributed by: The Honourable Mr. Justice Adrian Saunders - CCJ

President of the CCJ, Sir Dennis Byron, has established committees to lead discussion on the creation of codes of ethics for the staff and the judges of the CCJ. The two exercises are separate and distinct. In the case of the judges it is a case of reflecting upon and updating the judicial code of conduct that was established prior to the inauguration of the CCJ in 2005.

Using the Commentary on The Bangalore Principles of Judicial Conduct as a guide and reference point, the CCJ judges have been meeting together to discuss and consider ways in which their Code of Judicial Conduct should be revised. This exercise falls under the chairmanship of Justice Bernard who explained to CAJO NEWS that, from the standpoint of the judges, discussing the principles underpinning the values in the code and the manner in which they should be applied is as useful if not even more valuable than the final product itself.

For the CCJ staff it is a case of establishing for the first time a code that would guide the conduct of the staff. This exercise is being undertaken by a committee under the chairmanship of Justice Wit. That committee includes members of staff who have been elected by the entire organization. Speaking to CAJO NEWS about his committee Justice Wit stated that a Court consists of more than judges alone and all persons working in the Court should feel responsible for the organisation and have some guidance on how to conduct themselves both in relation to each other and in relation to others. "It is important," he said, "that such rules are not simply imposed on Court employees but that they themselves are meaningfully involved in crafting the rules that are meant to guide them." [CAJO]

Judicial training is essential for the continued development of judicial officers in order to maximise the efficiency of the judiciary. To this end the judiciary and magistracy in Guyana participated in five weeks of interactive seminars under the auspices of the IDB funded Guyana Justice Improvement Project.

The seminars which were held on Saturdays, began on June 16, 2012 with presentations on The Rule of Law by Justice Duke Pollard former Judge of the Caribbean Court of Justice (CCJ), Summing-up by Professor Keith Massiah, former Chancellor of the Judiciary and Attorney General of Guyana and Alternative Dispute Resolution by Mr. Sheldon McDonald, Head, Department of Law, University of Guyana.

On June 23 Justice Adrian Saunders, CCJ, presented on regional and international jurisprudence in relation to the death penalty and the impact of international law in adjudicating in death penalty cases. Justice Desiree Bernard, CCJ, spoke on Judicial Ethics and the Time Limits for Judicial Decisions Act, 2009.

On July 7 Justice Wit, CCJ, addressed on judicial review focusing on a comparison of the legislation in Guyana with that of Trinidad and Tobago. His Honour also collaborated with Justice Ian Chang, Chief Justice (Ag) of Guyana, to discuss the law regarding fugitive offenders. The following week, Chief Justice Chang presented on the Criminal Procedure (Plea Bargaining and Plea Agreement Act 2008 and the Criminal Law (Offences) (Amendment) Act 2010 which amended the penalty on conviction for murder.

The series ended with a presentation by The Hon Justice Carl Singh, Chancellor (Ag) of Guyana, on Judicial Review in which the focus was on the grounds for judicial review as outlined in the Judicial Review Act 2010 (not yet in force) along with relevant legal authorities. In addition, Ms. Alexis Downes-Amsterdam and Mr. Teni Housty, attorneys-at-law, made presentations to the magistrates on the Juvenile Offenders Act and the Training Schools Act respectively. On July 6 and 7, 2012, a colloquium was held for the magistracy under the theme – Justice in a Gendered Society – Gender, Domestic Violence and the Courts. The colloquium was a collaboration of the Supreme Court and the United Nations Women’s Entity for Gender Equality and the Empowerment of Women (UN Women). [CAJO]"

JUDICIAL TRAINING IN GUYANA FOR 2012

Contributed by:
The Honourable Mme. Justice Roxanne George
High Court of Guyana



Caribbean Judicial Officers graduate from CJEI



Three Caribbean judicial officers recently graduated from the Commonwealth Judicial Education Institute’s summer program in Halifax, Canada.

The three week intensive program was held between 3rd and 23rd June. The Caribbean participants were CCJ Judge Mr Justice Winston Anderson, Suriname’s Chief Justice Madame Justice Cynthia Valstein-Montnor and Judge Cynthia Harrigin of the Trinidad and Tobago Industrial Court.

The program was facilitated by CJEI’s founder and Chairman Judge Sandra Oxner along with CAJO Chairman Justice Adrian Saunders. The participants also included judges from India, Pakistan, Kenya, Papua New Guinea and Tanzania.

Contributed by: The Honourable Mr. Justice Adrian Saunders - CCJ

TRIAL WITHOUT JURY The Belizean experience

Contributed by: Her Worship Ann-Marie Smith - Chief Magistrate of Belize

The History of the Jury System

The jury system has often been seen as the bedrock of democracy in common law countries. In many such countries, it is enshrined as a fundamental right. In the UK, the right to trial by jury can be traced back to Magna Carta.

The First Non Jury Criminal Trial in The UK

The UK has embarked upon criminal trials without jury. In 1999, the then Home Secretary Jack Straw introduced a controversial bill to limit the right to trial by jury. This became the Criminal Justice Act 2003, which sought to remove the right to trial by jury for cases involving jury tampering or complex fraud. The provision for trial without jury was aimed to circumvent jury tampering and came into force in 2007. The first serious offence to be tried without a jury for 350 years was allowed to go ahead in 2009. Three previous trials of the defendants had been halted because of jury tampering, and the Lord Chief Justice, Lord Judge, cited cost and the additional burden on the jurors as reasons to proceed without a jury. Previously in cases where jury tampering was a concern the jurors were sometimes closeted in a hotel for the duration of the trial. The case in 2009 concerned four men accused of an armed robbery at Heathrow Airport in 2004. The judge said that jury "tampering" was a "very significant" danger. Lord Judge told the court that the cost of the measures needed to protect jurors from potential influence, such as the services of police officers, was too high and that such measures could not properly insulate them.

The Gun Courts of Jamaica

Within the region, Jamaica instituted the Gun Court back in 1974 to combat rising gun violence in that island. The Court, made up by a single judge was empowered to try suspects in camera, without a jury. The Supreme Court, Circuit Courts, and Resident Magistrate's Courts function as Gun Courts whenever they hear firearms cases. There have been many challenges to the constitutionality of The Gun Court Act, the most remembered, probably being Hinds et al vs. The Queen. Another case, Trevor Stone v. the Queen, challenged the denial of jury trial for most gun offences. It was argued that trial by jury is a fundamental and constitutional right guaranteed by tradition in English common law. The Jamaican Court of Appeal rejected this argument in a decision written by Court of

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"Your Honor, we feel the trial failed to deliver on its pretrial publicity."

Appeal President Ira DeCordova Rowe in 1980. The court noted that the written Constitution adopted by Jamaica upon independence guaranteed certain rights to criminal defendants, but omitted trial by jury. This case confirmed the Gun Court's power to try all non-capital cases before judges alone.

The Cayman Islands

The Cayman Islands also introduced legislation to provide for trial by Judge alone. The introduction of the legislation however was met with opposition from the Cayman Islands Criminal Defence Bar Association. The current position in the Cayman Islands is that a defendant in a criminal trial in the Grand Court has the right to select trial by jury or trial by Judge alone. When tried by a Judge alone, the Judge has certain duties, which he is required to carry out when giving the reasons for his decision. The Court of Appeal of the Cayman Islands had this to say on the matter:

"When a trial judge sitting alone has advised himself of the applicable principles of law and given himself any necessary warning, he must indicate clearly in his judgment his reasons for acting as he did, in order to demonstrate that he has acted with the requisite degree of caution in mind and has therefore heeded his own warning. No specific form of words is necessary for this demonstration, "what is necessary is that the Judge's mind upon the matter should be clearly revealed."

It was further stated in R vs. Thompson that the judge's duty is to "reach conclusions and to give reasons to support his view and, preferably, to notice any difficult or unusual points of law in order that if there is an Appeal, it may be seen how his view of the law informed his approach to the facts."

The Belizean Experience

Recently the Belizean Parliament amended the Indictable Procedures Act, Indictable Procedure (Amendment) Act and the Juries (Amendment) Act, which provide for non-jury trials in certain criminal cases, came into force on the 1st day of August, 2011. Section 65A provides as follows:

“(1) Notwithstanding anything contained in this Act, the Criminal Code, the Juries Act or any other law or rule of practice to the contrary, every person who is committed for trial or indicted, either alone or jointly with others, for any one or more of the offences set out in subsection (2) of this section shall be tried before a judge of the court sitting alone without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial for such offences.

- (2) The offence referred to in subsection (1) are –
- (a) Murder;
 - (b) Attempt to Murder;
 - (c) Abetment of Murder; and
 - (d) Conspiracy to commit murder.
- (3) In any indictment charging an accused person with any of the offences specified in subsection (2) above, no other count for an offence not referred to in the said subsection shall be added.”

The effect of the legislative change was that any person committed for trial indicted after August 1, 2011 for the offence of attempt to murder, or any of the offences listed in section 65A(2), must be tried before a Supreme Court Judge sitting alone without a jury. The provision is mandatory, and admits of no discretion on the part of the Court or otherwise. Further, any such indictment can only include an offence or offences as listed. The worrisome issue of jury tampering and intimidation in Belize has become a serious problem in recent times. Persons fear for their safety and in a climate of gang violence there seems to be more and more reluctant to come forward to serve as jurors. Although jury tampering is a criminal offence, there still remains a fear of coming forward to make such a report. Jury tampering is not the only reason why this amendment is significant. The protection of witnesses also comes into play. The prosecution can apply to the court for an indictable matter to be tried before a Judge without a jury on the following grounds:

- (a) That in view of the nature and circumstances of the case, there is a danger of jury tampering of jurors or witnesses
- (b) That a material witness is afraid or unwilling to give evidence before a jury:
or
- (c) That the case involves a criminal gang element and would be properly tried without a jury: or
- (d) That the complexity of the trial or the length of the trial (or both) is likely to make the trial so burdensome to the jury that the interests of justice require that the trial should be concluded without a jury.

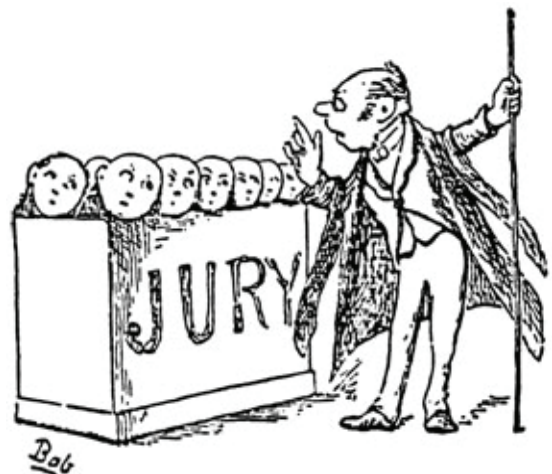
Section 65B of the Act goes on to permit an accused indicted for an offence for which trial without jury is mandated by section 65A, to apply to the trial Judge for a trial without a jury on the ground that he is not likely to be afforded a fair trial in the light of pre-trial publicity attracted by the case. This is a particular concern in Belize.

The trial Judge will then consider the representations made by both the Crown and by or on behalf of the person charged before making a determination as to whether the ground has been satisfactorily made out.

On March 15th 2012, Akeem Turton became the first person to be tried and convicted by a Belizean judge alone. The case was heard in Belize City before Chief Justice Kenneth Benjamin. He was convicted of the attempted murder of Senior Counsel Rodwell Williams.

Conclusion

The jury system is now diminishing in importance worldwide and there is a growing list of countries, which either have abolished jury trials in criminal cases or have given discretion to the trial Judge to order a non-jury trial on the application of the prosecution or the defence. Among the Commonwealth countries, including the Turks and Caicos Islands, as many as twenty-two (22) have altogether abolished jury trials in criminal cases. In a few other countries, including the United Kingdom, an application can be made to the trial Judge to order a trial without a jury on certain grounds. Recently in Jamaica due to the lack of available jurors, the Jamaica Bar Association mooted the idea also. [CAJO]



CAJO News – Inside the Courtroom

Judge compensates attorneys for work done out of court in settling matter

Contributed by: Master Margaret Mohammed, Judiciary of Trinidad and Tobago

In Trinidad and Tobago HCA S 1456 of 2004 Cliff Lord v Daniel Pitt and Capital Insurance Company, the plaintiff reviewed the decision of the Taxing Master who reduced the sums claimed for advocate and instructing attorneys work done in an Assessment of Damages. The matter was settled before the assessment was ventilated in the sum of \$630,000.00 inclusive of interest (TT). In a decision by the Honourable Madame Justice Pemberton in the High Court of Trinidad and Tobago on April 25, 2012 the judge in principle agreed with the Taxing Master but took the position that :

“...that time has come for the award of costs when possible to adequately compensate instructing Attorney and Counsel for time and effort made to expose their matters and clients to ADR techniques so as to avoid trial. This was well illustrated in this case and these efforts bore fruit. The fact that there was no ventilation of issues at trial must be balanced against skill and competence of both Instructing Attorney and Counsel in effecting a settlement through ADR. This must be encouraged.”

In reviewing the sums awarded by the Taxing Master the Honourable Judge awarded the plaintiff’s attorneys an additional sum of \$39,500.00 in costs to compensate them for their work in settling the Assessment of Damages.

For Full Text of Decision please click on the link:
http://webopac.ttlawcourts.org/LibraryJud/Judgments/HC/PEMBERTO N/2004/cv_04_1456DD25apr2012.pdf

John Sealey v Attorney General of Guyana and The Police Service Commission

Contributed by: Amaya Athill - Legal Intern, CCJ

Senior Police Superintendent John Sealey was terminated by the Police Service Commission of Guyana in 1984, after 14 years of employment, for no specific reason. In 1987, Mr. Sealey petitioned the President of Guyana to reopen the matter and compensate him for his years of service. He received no response. In January 2001, some 14 years later, he wrote to the Chairman of the Police Service Commission to enquire about the status of his petition to the President. Again, there was no response.

In February 2001, Mr. Sealey filed a case in the Guyana trial court seeking all of his back-salary and pension benefits for the past 16 years. He gave no explanation for the delay in filing the case. The trial was taken up not so much with whether or not Mr. Sealey was unfairly dismissed from his job, and whether such an unfair dismissal violated the Constitution but rather: why had Mr. Sealey taken so long to come forward and what was the consequence of such delay?

The trial judge considered the Constitution of Guyana which allows a person to seek redress in the High Court in certain cases where specific Constitutional Rights have been violated. The judge, however, dismissed

the case as an abuse of the court’s process and a “misuse of the court’s constitutional jurisdiction” in view of Mr. Sealey’s unexplained delay from 1984 to February 2001. The Court of Appeal affirmed the trial judge. Mr Sealey appealed to the CCJ. The CCJ dismissed the appeal. The Court referred to previous statements it had made that noted that legal disputes needed to be resolved in a timely and efficient manner. The court also cited decisions from other courts to the effect that a lapse of five years in seeking constitutional redress amounted to inordinate delay in the absence of any good explanation.

The CCJ concluded that even for violations of Constitutional Rights, which have no specific limitation period, a litigant could not wait as long as he liked before bringing his claim. The court held that :“It is in the public interest that claims do not become stale, the courts assisting those who are vigilant to enforce their claims, but not those who sleep on them.”

For Full Text of Decision please click on the link:
http://chooseavirb.com/ccj/wpcontent/uploads/2012/02/cv4_2007.pdf

CCJ President stresses importance of quality judiciary

Contributed by: Public Education and Communications Unit - CCJ

Sir Dennis stressed efficient judgment delivery as an important element to the judicial process achieving credibility;

"In dealing with judicial temperament and attitudes judges must adopt an attitude of hostility to delay in the litigation process and a determination to eradicate it... Whatever the causes for delay in the criminal justice system, the judiciary should implement policies for avoidable delay"

To this end, the Court President suggested that judges aim at delivering judgments in simple civil cases within 9 months of the time the case is filed and for standard cases, 12 months, with 24 months being the ideal in complex cases before the high court. With regard to appeals on such judgments, Sir Dennis suggested an average of 9 months after the trial judgment.

To combat the process of delays, Sir Dennis reminded the judges that under the new rules of the Supreme Court, that it is they and not attorneys who have the power to set dates for hearings; *"The judges must accept that it is their responsibility to manage the trial. There should be zero tolerance for adjournments unless required in the interest of justice,"*

The CCJ President recommended to Caribbean courts, which do not now have Alternative Dispute Resolution systems, to look at the feasibility of adopting them without waiting on legislation or the executive; *"Mediation is now a universally recognized process facilitating discussion between opposing parties with a view to arriving at a settlement,"*

The President of the Caribbean Court of Justice, The Rt. Hon. Sir Dennis Byron, is advocating that judges must uphold the law; demonstrate the highest levels of integrity; be impartial; and recuse themselves from matters in which there is a perception of bias on their part.

The CCJ President made these statements via a video presentation to the Judiciary of Barbados at their recent retreat on the issue of Judicial Temperament in Bridgetown, Barbados on August 3rd 2012.

Citing comments from the public which question the integrity of Caribbean judges, Sir Dennis noted that one commentator said; *"until Judges exhibit their willingness to stand up to big business and stop bantering to politicians we the people cannot have confidence in them."* Sir Dennis noted that that perception may be *"harsh and inaccurate but it is one held by a significant portion of the public and so judges must deal with it,"*. The CCJ President, who is a former Chief Justice of the Eastern Caribbean Supreme Court, adopting the definition of Judicial Temperament from the American Bar Association, called on judges to have compassion, to be decisive, open-minded, sensitive, patient, courteous, freedom from bias and to be committed to justice.

He urged judges to be sufficiently independent to resist any encroachment from other branches of government *"that could place the judiciary and the decisions its judges make under the control of the political branch."*

Sir Dennis regarded judicial independence as a right of citizenship and one that *"the citizen should cherish and fight for, just as the judge must exhibit it at all times."*

In this respect, the CCJ President called on judiciaries across the region to adopt codes of judicial conduct to hold judges to standards of conduct and to fully inform their publics of the codes and standards to which judges and courts must be held.

The CCJ, Sir Dennis said, has established its own code with an Ethics Committee and is in the process of revising that code to govern the operations of the Court and the judges.

Access full text and video of the CCJ President's speech by following this link to the CCJ website:
<http://www.caribbeancourtjustice.org/press-releases/ccj-president-stresses-importance-of-a-quality-judiciary>

Behind the scenes at CAJO NEWS

MEET THE TEAM



The Hon. Mr. Justice Adrian Saunders
Chair, CAJO
Judge, Caribbean Court of Justice



Her Worship Ann-Marie Smith
Chief Magistrate of Belize



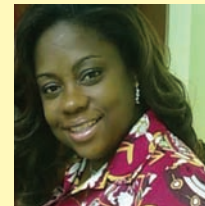
The Hon. Mr. Justice Roy Jones
Judge, Supreme Court of the Bahamas



The Hon. Mr. Justice David Fraser
Judge, Supreme Court of Jamaica



Mr. Gregory Girard
Court Administrator,
Eastern Caribbean Supreme Court



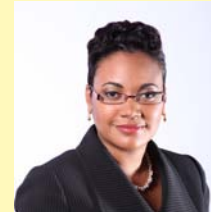
Ms. Lovette Griffith
Secretary,
Magistracy Department of Belize



Ms. Melony Morgan
Judicial Research Assistant
Caribbean Court of Justice



Ms. Sandra Dee Brown
CAJO Secretary



Ms. Seanna Annisette
Public Education and Communications Officer
Caribbean Court of Justice

UPDATE on CAJO 2013

The CAJO 2013 conference is confirmed to be held in Barbados next year.

The Organizing Committee is asking for CAJO members to submit themes and topics for the 2013 conference. Submissions will be received via email to info@thecajo.org under the subject caption "CAJO 2013 Themes and Topics". Further details on the upcoming conference will be issued in CAJO News, and via the CAJO website; www.thecajo.org