



# Report

**The University of the West Indies, The Caribbean Court of Justice and the Caribbean Association of Judicial Officers**

**Joint Caribbean Centric Jurisprudence Research Project**

September 2022

# Report of The University of the West Indies, The Caribbean Court of Justice, and The Caribbean Association of Judicial Officers

## Table of Contents

<b>Introduction</b> .....	1
<b>Methodology</b> .....	4
<b>Research Results</b> .....	9
Section I: Results From Surveys And Interviews, And Which Represented The Subjective Views Of Deans, Lecturers, And Students .....	9
Section II: Results From The Course Analyses, Which Represent A More Objective Analysis Of What Course Worksheets And Materials Reveal .....	19
Section III: Results From Questions About Student Accessibility Of Caribbean Materials .....	21
Section IV: Deans’ And Lecturers’ Opinions About Competencies Of The Hypothetical And Ideal Uwi Law Graduate .....	23
<b>Discussion</b> .....	24
<b>Key Takeaways</b> .....	33
<b>Recommendations</b> .....	34
<b>Acknowledgments And Appreciations</b> .....	34



## Introduction

1. In April 2021, The University of the West Indies (UWI) partnered with the Caribbean Court of Justice (CCJ) and the Caribbean Association of Judicial Officers (CAJO) to establish a joint UWI/CCJ/CAJO Committee whose broad objective was to conduct an examination of the worksheets and other course materials used in core courses at The UWI Faculties of Law at Cave Hill, Mona, and St Augustine with a view to determining the extent to which English and other non-Caribbean texts, judgments and other teaching aids as opposed to Caribbean texts, judgments and other course materials are referred to in the teaching-learning process.
  
2. The persons appointed to and serving on the Committee are as follows:
  - a. The Hon Mr. Justice Adrian D. Saunders - President, CCJ
  - b. The Hon Mr. Justice Andrew Burgess - Judge, CCJ
  - c. The Hon Mr. Justice Peter Jamadar - Judge, CCJ and Chair
  - d. Dr Celia Blake - Senior Lecturer, Faculty of Law, Mona Campus, Jamaica
  - e. Dr Jason Haynes - Senior Lecturer, Faculty of Law, Cave Hill Campus, Barbados
  - f. Dr Justin Koo - Lecturer, Faculty of Law, St Augustine Campus, Trinidad and Tobago
  - g. Lt Colonel Junior S. Browne - Officer in Charge, Faculty of Law Library, Cave Hill Campus
  - h. Mrs Laurissa Pena - Judicial Counsel, CCJ; Legal Officer and Executive Manager, CAJO
  - i. Mrs Candace Simmons-Peters - Administrative Officer (Judicial), CCJ; Executive Administrator, CAJO
  
3. The Committee met on the following eleven occasions for an average duration of two hours (9am-11am AST):
  - a. 26 April 2021
  - b. 11 June 2021
  - c. 23 July 2021
  - d. 22 October 2021
  - e. 26 November 2021



- f. 28 January 2022
  - g. 4 February 2022
  - h. 8 April 2022
  - i. 20 May 2022
  - j. 8 July 2022
  - k. 12 August 2022
4. The first aim for the committee was to a) discuss and agree on relevant and realistic objectives, and b) to endeavour to secure funding for the project. It was agreed that, given the funding and other resources that were available, a first stage pilot research project be undertaken, essentially led, and conducted by Committee members. Improved Access to Justice in the Caribbean (IMPACT JUSTICE) Project provided some funding for the project.
  5. The objectives of the pilot project are to examine course materials of selected core courses from The UWI Faculties of Law and conduct relevant stakeholder interviews and surveys, as well as a course materials analysis, to determine whether:
    - a. the original intent of those who were responsible for establishing the UWI Faculty of Law has been, is being, or still needs to be realized;
    - b. reforms are required to be undertaken to achieve this intent; and further,
    - c. what concrete actions may be recommended to achieve that intent.
  6. In this context, research was conducted to discover the original intent of the Faculty of Law, UWI, by examining articles, reports, and the campus websites. In particular, the report published by the Council of Legal Education on *Legal Education in the West Indies* sheds light on the original intent in establishing the Faculty of Law<sup>1</sup>. According to the report, the original intent for establishing the Faculty of Law was to:
    - a. promote respect for the rule of law;
    - b. keep abreast of legal activity in other territories of the West Indies;
    - c. educate lawyers on Caribbean (West Indian) law and history;

---

<sup>1</sup> Council of Legal Education, *Legal Education in the West Indies*, 1963–1972, 11.



- d. provide a relevant legal education for those who intend to practice law in the West Indies;  
and
- e. to remove the United Kingdom's monopoly on the provision of legal training in the West Indies<sup>2</sup>.

It is noteworthy that b, c, and d above may be considered especially germane to the broad objectives of this project, as they highlight the importance of Caribbean materials in regional legal education.

7. The specific objectives of this first stage pilot project are as follows:
  - a. To conduct an examination of the worksheets and other course materials in the following core courses at the UWI, Faculties of Law, in order to determine whether the objectives stated above at paragraph 5 a. and b. have been or are being achieved:
    - (i) Criminal Law I
    - (ii) Criminal Law II
    - (iii) Law of Torts I
    - (iv) Law of Torts II
    - (v) Law of Contracts I
    - (vi) Law of Contracts II
    - (vii) Real Property I
    - (viii) Real Property II
    - (ix) Constitutional Law
    - (x) Administrative Law
  - b. To conduct interviews with the Deans of the Faculties of Law at Cave Hill, St. Augustine, and Mona and survey a sampling of students who completed the above courses;

---

<sup>2</sup> Ibid



- c. To determine the extent (qualitatively and quantitatively) to which Caribbean texts, judgments, academic writings, as well as other resources and teaching aids are utilised in the stated courses;
- d. To determine the extent to which English and other non-Caribbean texts, judgments, other resources, and teaching aids can conveniently (and properly should) be supplanted and/or supplemented with Caribbean texts, judgments, resources, and other relevant Caribbean materials.
- e. To suggest, where relevant Commonwealth Caribbean materials exist and are not being used, mechanisms to facilitate their more effective incorporation and use.

## **Methodology**

8. This project utilised both qualitative and quantitative methods. The following sources were used:
  - a. Articles, Reports, and Campus Websites
  - b. Course Worksheets and Materials
  - c. Surveys of Students
  - d. Interviews with Deans and Faculty

### **(i) Articles, Reports, and Campus Websites**

9. Prior to beginning the project, the Committee members were asked to find, compile, and share with each other a compendium of articles and reports on Caribbean jurisprudence, the Faculty of Law, UWI, including the published official reports from the Council of Legal Education on legal education in the West Indies and reports of the Joint Consultation between Sir Hugh Wooding and Professor Roy Marshall. This provided documentary evidence of the rationale/original intent that underscored the founding of the Faculty of Law, UWI and informed the Committee's research objectives.

### **(ii) Review of Course Worksheets and Materials**

10. Course worksheets were reviewed to assess the degree to which Caribbean sources of law, and materials on the law in the Caribbean account for teaching materials in the delivery of core



subjects. The following ten courses offered in the core of the LLB programme were surveyed – five year-one courses (Law of Torts I, Law of Contract I, Constitutional Law, Criminal Law I and Criminal Law II) and five year-two courses (Law of Torts II, Law of Contract II, Administrative Law, Real Property I, and Real Property II). Courses were selected from across the three campuses which house law faculties at The University of the West Indies – Cave Hill, Mona, and St Augustine as indicated in the table below:

<b>Campus</b>	<b>Courses</b>
<b>Cave Hill</b>	Law of Torts I, Law of Torts II, Constitutional Law
<b>Mona</b>	Law of Contract I, Law of Contract II, Real Property I, Real Property II
<b>St Augustine</b>	Criminal Law I, Criminal Law II, Administrative Law

Table 1 *Source of courses surveyed*

11. Course selections were essentially guided by their centrality to the LLB degree programme and the relative ease with which the teaching materials could be made available to the research project. Having gathered the worksheets and PowerPoint presentations from the respective Course Directors, the materials on each worksheet and presentation were organised into three categories: cases, statutes, and secondary materials, the latter consisting mainly of texts and journal articles. It should be noted that every instance of case and statutory citation as well as every reference to secondary materials was counted, without adjusting for the number of times a particular case or statute was cited, or a particular secondary source was referenced on a worksheet or across a course. This means that a particular case, statute, or secondary source may have been counted more than once for any particular course<sup>1</sup>. It was thought that this was desirable in order to capture the density associated with the use of the sources and materials. It should also be noted that the assessment was confined to citations and references which appeared on the worksheets and presentations gathered, which could be somewhat at variance with actual teaching. We do not, however, believe that this risk is so high as to significantly affect the integrity of the results.

<sup>1</sup> For example, *Hinds v R* (1999) 58 WIR 38 in Constitutional Law and the Judicial Review Act Chap 7:08 in Administrative Law



12. Aggregate figures for each category were calculated. Thereafter, Caribbean sources of law were identified and separately tallied from the categories relating to primary sources, and similarly, Caribbean materials were separately tallied from the category of secondary materials. In this way, we were able to calculate, for each course, the proportion of Caribbean sources and materials as a whole relative to the overall aggregate of sources and materials.

**(iii) Surveys**

13. The surveys were administered online via Google forms to select students from the three campuses. Dr Celia Blake, Dr Jason Haynes, and Dr Justin Koo provided at least ten email addresses of students who were willing and able to complete the surveys, having completed the relevant courses.

14. Dr Celia Blake provided email addresses for the courses Law of Contract II and Real Property II at the Faculty of Law, Mona Campus. Dr Jason Haynes provided the email addresses for the courses Constitutional Law, Law of Torts I and II at the Faculty of Law, Cave Hill Campus. Dr Justin Koo provided the email addresses for Criminal Law I & II and Administrative Law at the Faculty of Law, St Augustine Campus. Email addresses were not received for Law of Contract I or Real Property I so surveys were not conducted for these courses.

15. A link to the Google form was sent to the email addresses provided. The Table below itemizes the number of responses received in respect of each course.

<b>Courses</b>	<b>No. of Students survey administered to</b>	<b>No. of Responses received</b>	<b>Campus</b>
<b>Administrative Law</b>	10	7	St Augustine
<b>Criminal Law I</b>	10	9	St Augustine
<b>Criminal Law II</b>	10	4	St Augustine
<b>Law of Torts I</b>	10	8	Cave Hill
<b>Law of Torts II</b>	10	7	Cave Hill
<b>Constitutional Law</b>	10	7	Cave Hill
<b>Real Property II</b>	10	6	Mona
<b>Law of Contract II</b>	10	5	Mona

Table 2 *Surveys Administered and Responses received*





16. The survey forms for each course were identical save and except, for the differences in the name of the course. The survey consisted of five sections with a total of 42 questions. Out of these 42 questions, 37 of the questions were close-ended and the remaining questions were open-ended. The close ended questions utilised multiple choice questions, yes or no questions, and Likert scales.

17. The first section consisted of 9 close and open-ended questions that collected general information and the students' views on the importance of studying and being taught Caribbean law; their perceived level of preparedness to practice law in the Caribbean; the extent to which their experience and education in the Faculty of Law increased their awareness, sensitivity, and knowledge of and about Caribbean social, economic, and legal contexts; and their vision and knowledge on ways to reform the law. The second, third, and fourth sections consisted of closed and open-ended questions to ascertain the extent to which Caribbean textbooks, primary sources (cases and legislation), as well as articles existed and were utilised for the particular course. The last section consisted of three closed-ended questions focusing on teaching and course delivery. The surveys were administered during the period 20 February 2022 to 4 March 2022.

#### **(iv) Interviews**

18. The Committee decided and settled the interview questions. The questions largely paralleled the student survey questions for research, analysis, and comparative purposes. Any minor differences would not have materially affected their usefulness as comparators. The interviews were conducted by a staff member of the CAJO and CCJ who interviewed the Deans of the Faculties of Law, UWI and the selected Lecturers from each campus. The Lecturers interviewed correlated with the courses under review for each campus.

19. The interviews lasted approximately one hour and were conducted via video conference using Microsoft Teams.



20. The following persons were interviewed:
- a. Professor Shazeeda Ali - Dean, Mona
  - b. Professor Eddy Ventose – Dean, Cave Hill
  - c. Professor Raphael Heffron – Dean, St Augustine
  - d. Dr Christopher Malcolm – Lecturer, Mona (Contract)
  - e. Mr Andre Sheckleford – Lecturer, Mona (Real Property Law II)
  - f. Mr Rashad Brathwaite – Lecturer, Cave Hill (Constitutional Law)
  - g. Ms Alana Lancaster – Lecturer, Cave Hill (Law of Torts II)
  - h. Mrs Alicia Elias Roberts – Lecturer, St Augustine (Administrative Law)
  - i. Dr Arif Bulkan – Lecturer, St Augustine (Criminal Law I)
  - j. Justice Gillian Lucky – Lecturer, St Augustine (Criminal Law II)
21. Several unsuccessful attempts were made to contact the lecturer for Law of Torts II for Cave Hill. No interview was therefore conducted in relation to the Faculty for this course. Interviews were also not conducted in connection with Law of Contract I or Real Property II because no student surveys were carried out in respect of these courses.
22. The interview questions for the Lecturers and Deans were also similar with minor differences, again to facilitate comparative research and analysis. The interviews utilised both closed-ended and open-ended questions. The closed-ended questions also utilised Likert scales.
23. The questions focused on ascertaining the importance of teaching Caribbean law; and the ease with which Caribbean material can be obtained, accessed, and published. There were also questions on the extent and proportion of Caribbean materials relied on. Additionally, the philosophical underpinnings of the Faculty of Law were explored and assessed for relevance. The Lecturers and Deans were asked hypothetical questions on what the optimal philosophical underpinning for the Faculties of Law should be.



## Research Results

24. The results are presented in four sections: (i) results from surveys and interviews, and which represented the subjective views of Deans, Lecturers, and Students; (ii) results from the course analysis, which represent a more objective analysis of what course worksheets and materials reveal; (iii) results from questions about student accessibility to Caribbean materials; and (iv) Deans' and Lecturers' opinions about competencies of the hypothetical and ideal UWI Law Graduate.

### **SECTION I: RESULTS FROM SURVEYS AND INTERVIEWS, AND WHICH REPRESENTED THE SUBJECTIVE VIEWS OF DEANS, LECTURERS, AND STUDENTS**

#### **Importance of Caribbean Material**

##### *Deans*

25. All of the Deans felt that it was extremely important for law students enrolled with the UWI, LLB programme, to learn about and be taught Commonwealth Caribbean law in all of the law courses that they are registered for at the Faculty of Law, UWI.

26. The Deans were asked about the importance of referring to Caribbean material as opposed to UK material. The Deans all felt that it was important, with two of the three Deans noting that UK cases and materials need to be relied on where there is a lacuna in available Caribbean materials.

##### *Lecturers*

27. The majority of the Lecturers believed that it was extremely important for students enrolled in the UWI, LLB programme to learn about and be taught Caribbean law in all of the law courses that they are registered for at the Faculty of Law, UWI. Two Lecturers believed that it was very important and moderately important, respectively.

28. All of the Lecturers who said it was extremely important expressed in essence that law is parochial and dependent on the society in which it operates. Four of the Lecturers expressed a



reservation that courses such as International Law and Company Law do not have a specific Caribbean law element or theory and that it is sometimes important to look outside of the region. One Lecturer warned about referring to Caribbean cases simply because of their facts, as it is important to refer to cases that teach and develop legal principles.

29. The Lecturers were all asked about the importance for lecturers to teach Commonwealth Caribbean law in all law courses offered by the Faculty of Law, UWI. Similarly, the answers and reasons very much mirrored the answers given in respect of the question on how important it is for students to learn Caribbean law, as the lecturers stated that the only way students can learn Caribbean law is to be taught it. However, the majority of the Lecturers also stated that, the importance is course dependent. The Lecturers all felt that teaching comparative law was very important.

#### *Students*

30. For all of the courses, the Students surveyed stated generally that it was important to learn Caribbean law. In all of the courses, at least half of the Students believed that learning Caribbean law was extremely important. The Students in Law of Contract II seem to place the most emphasis on learning Caribbean law, whilst the Students in Administrative Law placed the least emphasis on learning Caribbean law. The Students were asked why it was important to learn Caribbean law. In summary, they all felt it was important as it allowed students to apply Caribbean jurisprudence in light of their historical and social experiences, to respond to social changes, and to give effect to regional standards and values as the region's laws are interpreted and applied.

31. When asked whether it was important to be taught Caribbean law, the responses were not quite the same. The Students did not place the same degree of emphasis on the need to be taught Caribbean law as the need to learn Caribbean law, though the two seem inextricably linked. The majority of Students found that it was important (though not extremely important) to be taught Caribbean law. The survey results for the Administrative Law and Criminal Law I courses represent what may be considered an anomaly, as Students believed that it was moderately important and slightly important to have Caribbean law taught yet found it



extremely important to learn it. In the case of Criminal Law I, a nominal number of Students went as far to say that it was not at all important.

32. The responses to the question on why it was important to teach mirrored the responses to the question as to why it is important to learn Caribbean law.

### **Student Awareness of Caribbean Contexts**

#### *Deans*

33. Two of the three Deans felt that the courses offered by the Faculties of Law, UWI greatly increased the students' awareness, sensitivity, and knowledge of Caribbean social, economic, and legal contexts. Only one Dean felt that the courses somewhat increased these considerations, as the first year programme needs to take into account the different types of socioeconomic issues such as issues involving sustainability, consumption patterns, business innovation, data, technology, and how institutions are run, and these are not limited to Caribbean contexts.

#### *Lecturers*

34. One Lecturer felt that the courses somewhat increased the relevance or importance of Caribbean social, economic, and legal contexts, as Criminal Law I cannot compare to Constitutional Law as it is a black letter law course which does not deal much with societal, economic, and cultural issues. For the Constitutional Law, Administrative Law, and Criminal Law II courses, the Lecturers thought that the students' awareness, sensitivity, and knowledge of Caribbean social, economic, and legal contexts were increased. One Lecturer indicated a number of local examples are used when teaching, even if there are not Caribbean cases. For Constitutional Law and Administrative Law, the Lecturers explained that just by reading the cases, the students will gain greater awareness of Caribbean contexts. For the Law of Torts I, Law of Contract II, and Real Property II courses, the Lecturers felt that these courses greatly increased the students' knowledge of Caribbean context as they contextualize everything.



### *Students*

35. The Students were asked whether their experience and education with the Faculties of Law, UWI increased their awareness, sensitivity, and knowledge of and about Caribbean social, economic, and legal contexts. All of the Students believed that their awareness, sensitivity, and knowledge increased. The results of the survey for Criminal Law I showed the highest number of Students saying, “greatly increased”. However, a nominal number of Students from Criminal Law II, Law of Torts I and II, and Real Property II felt that their awareness, sensitivity, and knowledge somewhat increased.

## **Development and Reform of the Law**

### *Deans*

36. One Dean felt that the courses offered by the Faculties of Law, UWI greatly increased the vision and knowledge of students about ways to develop and reform the law to meet the needs of Caribbean societies, as the Faculty teaches students what the current and comparative laws are. Another Dean felt that the courses increased that vision and knowledge, but as the Faculty is limited in terms of the courses offered more needs to be done. The third Dean felt that the students’ vision and knowledge were somewhat increased, as the students need to be made more aware of the different histories of Caribbean nations, the comparative law aspects, and international agreements.

### *Lecturers*

37. The Lecturers for the courses Criminal Law II and Law of Contract II, felt that their courses greatly increased the vision and knowledge of students about ways to develop and reform the law to meet the needs of Caribbean societies. The Lecturers for Constitutional Law, Administrative Law, Law of Torts I, and Real Property II felt that ways to develop and reform the law to meet the needs of Caribbean societies were increased, as this area is usually dealt with during the course delivery. The Lecturer for Criminal Law I said somewhat increased as there is not much scope to develop this in Criminal Law I because it is a year 1 course, and students are still grappling with and grasping the basic legal concepts.



### *Students*

38. Students from Criminal Law I and Law of Contract I were the most positive about the extent to which their experience and education increased their vision and knowledge about ways to develop and reform the law to meet the needs of Caribbean societies. The Students who responded to the Constitutional Law survey had the highest proportion of respondents who said their vision and knowledge had somewhat increased.

### **Deviations from the Original Intent and Philosophical Underpinnings**

#### *Deans*

39. All of the Deans felt that the Faculties of Law have not deviated from the original intent and philosophical underpinnings that were pertinent to their establishment. The Deans all felt that the original intentions were still relevant. One Dean felt that they may need refining as we recognise the demands of a modern economy and seek to ensure that lawyers are educated to meet those demands. Another Dean noted that the Faculties do not necessarily focus on removing the UK monopoly. However, even though this may not be at the forefront, it still remains a valid consideration accommodated by increasing references to and use of Caribbean materials and the very existence of the Faculties.

#### *Lecturers*

40. Three of the Lecturers believed that the Faculties of Law have not deviated from the original intent and philosophical underpinnings as the original intentions are still operative and are still very relevant. Two of the lecturers said that there was a little deviation. The first Lecturer explained that with the external programme that many UK universities now offer, UWI's monopoly is slowly being eroded. The second Lecturer explained that UK material is still heavily relied upon.



## **Continued Relevance of Original Intent and Philosophical Underpinnings**

### *Deans*

41. When asked about the relevance of the philosophical underpinnings, two of the Deans felt that they were very relevant today. The other Dean felt that the underpinnings need to be broadened, and there need not be a fixation on the UK's monopoly anymore.

### *Lecturers*

42. The majority of the Lecturers felt that the philosophical underpinnings remained very relevant, as law is parochial, and adherence to them will help promote respect for the rule of law. Two of the Lecturers believed that they were somewhat relevant as the UK's monopoly has been eroded and there needs to be a focus on a globalized world.

## **Optimal Philosophical Approach**

### *Deans*

43. One Dean felt that the optimal philosophical approach for the teaching of law should include an appreciation of international law and sustainability; climate change issues and environmental impacts; and use of technology, and data in evidence management. Another Dean felt that the optimal approach should include a legal education that is not limited exclusively to Caribbean law. The third Dean felt that the optimal approach should be to teach to unlock the potential of students and teach them to think critically.

### *Lecturers*

44. When asked about an optimal philosophical approach, the majority of Lecturers stressed the importance of comparative law as an important philosophical underpinning. One Lecturer felt that in the first year the students should be taught *what if*, in second year *what for*, and by third year *what if but for*. Another Lecturer believed that students should grow as students not only to be proud of our jurisprudence but to understand social, economic context, and to be change agents. Another Lecturer stressed that there needs to be a greater focus on enquiry, method, and expression that should underpin every course. Finally, it was expressed by one Lecturer that an important philosophical underpinning should be to encourage students to write about legal issues and to have these views subjected to peer review.





## **Challenges With Referring To And Using Caribbean Materials And Teaching Caribbean Law**

### *Deans*

45. When asked about whether there were any challenges associated with referring to and using Caribbean materials and teaching Caribbean Law, two of the Deans believed that there were challenges, while one felt that there were not any challenges. One Dean felt that there needed to be a political will in the region to be a united economic block so that a similar legal and economic system amongst the region could be created. The second Dean believed that accessing decisions of courts or legislation from the various jurisdictions of the region was challenging, and that consolidated legislation needed to be produced on a regular basis, and more online databases needed to be created.

### *Lecturers*

46. When asked whether there were any challenges in referring to and using Caribbean materials and teaching Caribbean law, the majority of the Lecturers indicated that there were difficulties accessing information and materials. One Lecturer spoke of the need to archive data, and for courts to report their cases more effectively and for improved accessibility. Another Lecturer stressed the fact that the size of the markets was an issue. In the Caribbean, markets are smaller and so to produce books may be more expensive. Another Lecturer felt that as we are a small society the range of issues that find their way into litigation can be quite limited.

## **Recommendations To Make The Courses More Caribbean Centric**

### *Deans*

47. When asked what more can be done to make the courses offered by the Faculties of Law, UWI more Caribbean centric, one Dean reiterated that there has to be an appreciation for local, national, and international legal issues. Another felt that nothing more could be done to supplement what the Faculties were already doing as the Faculties were already teaching Caribbean centric law. The third felt that there needed to be more available resources that could be incorporated into the teaching materials.



### *Lecturers*

48. When asked what could be done to make the courses that the particular Lecturers taught more Caribbean centric, some of the Lecturers felt that the focus should not be on making the course more Caribbean centric, due to the need to have a comparative analysis and because there was already a running effort to make courses Caribbean centric. One Lecturer felt that greater accessibility to material will assist in making their courses more Caribbean centric. Other Lecturers suggested that the philosophical underpinnings that motivated the establishment of the law faculties, should be part of the course outline and objectives, and more Caribbean based real life examples could be incorporated into the teaching of law.

### **Platforms for Caribbean Academics to Publish their Work**

### *Deans*

49. All of the Deans felt that there was an enabling, accessible, and effective platform for Caribbean academics to publish their work. One indicated that there are some platforms in which Caribbean academics can publish their work, but nevertheless remarked that there needs to be more platforms, and peer review journals in the Law Faculties. It was noted that the Mona campus recently set up a peer review journal and the difficulties in publishing in UK journals were noted. Another believed that there were several opportunities available to publish work. It was suggested that the University should host an event where persons from the big publishing journals could visit the Caribbean to inform about the different and exciting legal topics that academics can write on. The third indicated that Caribbean academics can publish in the Caribbean Law Review, Commonwealth Law Bulletin, and a plethora of other journals in which they can publish their work depending on the subject matter expertise.

### *Lecturers*

50. When asked whether Caribbean academics have an enabling, accessible, and effective platform to publish their work, all of the Lecturers indicated that more needs to be done, and more respect must be given generally to Caribbean publications. They noted that the power dynamics are not conducive to publishing Caribbean materials in UK journals and opined that as Caribbean people we need to review where prestige lies and reposition Caribbean materials at



the centre. Two Lecturers noted that there is little incentive to publish in a journal that is not as well recognized as a UK journal, as persons who publish in UK journals are more readily accepted for promotion. One Lecturer indicated that even though the Caribbean Law Review is revamped, there still are not enough spaces to publish, and suggested the creation of a regional supporting secretariat that can help publishing spaces and provide support. One Lecturer suggested the use of blogs as they are accessible, immediate, and persons have open access.

### **Adequacy of Caribbean Materials**

#### *Deans*

51. When asked whether there were enough Caribbean legal materials to refer to and use in the teaching of law, two Deans felt that there were enough, as there were cases on everything. The third Dean believed that there could be more and suggested that every course should have a core textbook written by a Caribbean academic that focuses on Caribbean law.
  
52. Two of the three Deans felt that the courses at The UWI adequately equipped the students with sufficient Caribbean centric material, knowledge, and understanding to effectively prepare them to practice law in the Caribbean. However, one Dean felt that students had to be exposed to commercial law, sustainability issues, climate change, energy, and environmental issues, which it was believed were pressing modern issues. Only one Dean felt that the students were fully equipped.

#### *Lecturers*

53. The Lecturers were also asked whether they felt that they had enough Caribbean legal material to refer to and use in the teaching of law. The Lecturers felt that the adequacy of Caribbean legal materials is dependent on the course. Public Law courses tended to have more Caribbean cases that could be referred to. Two Lecturers felt that there is a greater need for reporting and use of local commentary and academic content. All of the Lecturers felt that there is a need for more cases and articles.



54. The majority of Lecturers (Law of Torts I and Law of Contract II) said they use 26-50% UK material. The Lecturers for Real Property II and Criminal Law II courses reported using the highest number of UK cases, as percentages of about 76-100% were given respectively. For Constitutional Law, approximately 0-25% UK materials were relied on. Similarly, for Administrative Law, 30% UK materials were relied on.
55. The majority of Lecturers felt that the students were either fully or adequately equipped with sufficient Caribbean centric material, knowledge, and understanding to effectively prepare them to practice law in the Caribbean.

#### *Students*

56. For all courses, where Caribbean material was referenced, Students reported that the material correlated with the material taught in lectures and tutorials. The majority of Students indicated that the Caribbean material was quoted, referenced, and relied on in the course outline, worksheets, lecture slides, other teaching material, and lectures. Students generally read the material referenced.
57. The Students were then asked to rate the extent to which they felt that they were effectively prepared to practice law in the Caribbean through their exposure to Caribbean materials. None of the Students indicated that they were unprepared; the majority of Students found that they were prepared. For the Administrative Law and Criminal Law II courses, there was a higher proportion of Students who felt prepared, thoroughly prepared, and fully prepared. Criminal Law I had the highest proportion of Students who felt thoroughly and fully prepared, whilst Real Property II had the highest proportion of Students who felt not fully prepared.
58. In relation to courses most influenced by Caribbean legal material, the survey results indicate that Constitutional Law appeared to be most influenced. The Students said that at least 76-100% of Constitutional Law appeared to be influenced by Caribbean legal material. Criminal Law I, Law of Torts II, Real Property II, and Law of Contract II seemed to be the least influenced by Caribbean legal material, with the Students giving an influence percentage of 26-50%. The rest of the courses received an influence score of 51-75%.



59. In relation to courses which appeared to be taught in the context of Caribbean societal contexts, Students gave the highest rating to Constitutional Law and Real Property II as 76-100%. For Law of Torts II, an equal proportion gave a context score of 76-100% and 26-50%. Law of Contract II scored the lowest with the majority of Students giving a context score of 26-50%. The rest of the courses received a context score of 51-75%.
60. The Students were also asked to give a percentage score to indicate the extent to which a course taught seemingly provided them with sufficient Caribbean material to effectively prepare them to practice in the Caribbean. Constitutional Law, Law of Torts I and II, and Criminal Law II received the highest sufficiency scores of 76-100%. In the course Law of Torts I, an equally high proportion of Students also gave a sufficiency score of 51-75%. Real Property Law II received the lowest sufficiency score as the majority of Students gave a percentage score of 26-50%. The rest of the courses received sufficiency scores of 51-75%.

## **SECTION II: RESULTS FROM THE COURSE ANALYSES, WHICH REPRESENT A MORE OBJECTIVE ANALYSIS OF WHAT COURSE WORKSHEETS AND MATERIALS REVEAL**

61. The results show that the course with the highest concentration of Caribbean materials is Constitutional Law with those materials accounting for nearly 72% of the aggregate course materials. This is followed by Administrative Law in which Caribbean materials account for some 44% of all the course materials. The courses with the lowest concentration of Caribbean materials are Law of Contract II and Criminal Law II, each with only 16% of Caribbean materials. The following table shows the ranking of the ten courses in respect of the level of concentration of Caribbean materials:



	<b>Course</b>	<b>% Caribbean materials</b>
<b>1</b>	Constitutional Law	71.74
<b>2</b>	Administrative Law	44.39
<b>3</b>	Law of Torts II	42.45
<b>4</b>	Real Property II	40.08
<b>5</b>	Real Property I	37.38
<b>6</b>	Criminal Law I	22.40
<b>7</b>	Law of Contract I	19.87
<b>8</b>	Law of Torts I	18.55
<b>9</b>	Criminal Law II	16.29
<b>10</b>	Law of Contract II	16.23

Table 3 *Ranking of courses by concentration of Caribbean sources and materials*

62. Cases account for the bulk of non-Caribbean materials which, for each worksheet, in every course but one, far exceed the Caribbean cases indicated. For example, in Criminal Law I, Caribbean cases account for 15% of the total number of case citations; and in Criminal Law II, that figure is as low as 9%. In Law of Contract I, Caribbean cases account for 16% of the total number of case citations, while for Law of Contract II, that figure is 13%. Constitutional Law was the only course in which the number of Caribbean case citations per worksheet largely outstripped the number of non-Caribbean case citations, resulting in Caribbean case citations accounting for approximately 65% of the total number of case citations.

63. In relation to statutes, however, where these appear on worksheets and in lecture presentations, Caribbean statutes account for the majority of the statutes indicated. By way of example, the following table indicates the aggregate number of times statutes are cited on the worksheets of selected courses and the number of citations attributable to Caribbean statutes.



Course	No. Of worksheets	Total No. Of statutory citations	No. Of citations of Caribbean statutes
Real Property I	9	31	26
Real Property II	6	35	32
Criminal Law I	7	27	26
Criminal Law II	7	35	34
Law of Torts I	10	26	22
Law of Torts II	12	46	40

Table 4 *Selected courses: Statutory citations showing those attributable to Caribbean sources*

64. With the exception of Criminal Law I in which no secondary material on Caribbean law was referenced, all courses reflect references to secondary material on Commonwealth Caribbean law. Among the courses surveyed, secondary materials for Constitutional Law significantly outweigh those reflected on the worksheets and teaching materials for other courses. For Constitutional Law, the number of references to Caribbean-related secondary materials amounted to 76, while the next highest number was 11, attained in both Administrative Law and Law of Torts II.

### **SECTION III: RESULTS FROM QUESTIONS ABOUT STUDENT ACCESSIBILITY OF CARIBBEAN MATERIALS**

#### **Students' Accessibility of Caribbean Material**

##### **(i) Textbooks**

65. For Administrative Law, Constitutional Law, and Real Property II, the Students experienced challenges accessing Caribbean textbooks. They stated that it was not easy to purchase them. For Administrative Law and Constitutional Law, it was also felt that the Caribbean textbooks were not affordable. The redeeming factor for these two courses is that there seemed to be an adequate number of copies of Caribbean textbooks available in the library for use and accessible for loan. Additionally, the textbooks were available in e-format. However, for Real Property II, the Students said that the textbooks were somewhat affordable, and even though



they were available in the library for use, there were not adequate copies, or available for loan. The Caribbean textbooks for Real Property II were also not available in an e-format.

66. The textbooks for Criminal Law I and II were not assessed for accessibility as the textbooks referred to on substantive criminal law in the survey were all UK based. However, Students did reference Caribbean textbooks on criminal procedure.
67. The textbooks for Law of Torts I and II, and Law of Contract II were reported as being easy to purchase. The Students felt that the Caribbean textbooks were somewhat affordable. For Law of Torts I and II, there were also adequate copies in the library for use and loan, and also available in e-format. However, for Law of Contract II, there was not an adequate number of copies in the library for use and loan, nor were they available in e-format.

#### **(ii) Cases and Legislation**

68. Generally, for all of the courses, the Students found that Caribbean cases and legislation were easy to access and locate. However, it is noteworthy that for Criminal Law II only half of the Students found that Caribbean cases were easy to access.

#### **(iii) Articles**

69. As regards Caribbean articles, for most of the courses the majority of Students said that Caribbean articles were readily available in the library and accessible in the library for loan. However, for Constitutional Law only half of the Students said that Caribbean articles were readily available in the library. For the Real Property II and Law of Torts II courses the majority of Students said that Caribbean articles were not readily available in the library nor readily accessible in the library. There were no references to Caribbean articles for Law of Contract II.





## SECTION IV: DEANS' AND LECTURERS' OPINIONS ABOUT COMPETENCIES OF THE HYPOTHETICAL AND IDEAL UWI LAW GRADUATE

### **Competencies of the Hypothetical and Ideal UWI Law Graduate**

#### *Deans*

70. When asked about the competencies that the hypothetical and ideal UWI law graduate should develop and exhibit to effectively serve society and contribute to the development of law in the region, one Dean felt that solid research skills and a clear writing style were important. Another Dean felt that critical thinking and a sense of “Caribbeaness” were important. The third Dean felt that it was important that Students developed and exhibited an understanding of local, national, and international issues and the relationship between these layers of law; the benefits of utilizing the comparative approach, the variances and legal systems and history in different Caribbean countries.

#### *Lecturers*

71. The Lecturers were asked what competencies in Caribbean contexts should the hypothetical and ideal UWI law graduate develop to effectively serve society and contribute to the development of law in the region. One Lecturer named the following competencies: critical thinking, integrity, hard work, discipline, and respect for the rule of law. Another Lecturer said that the skills of research method, reasoning, and expression are important, as well as sensitivity to local contexts which are locally grounded, and the awareness of the Caribbean as an important international player. One Lecturer suggested that students should develop pride in Caribbean jurisprudence and appreciation for having the opportunity to study law. This Lecturer added that it was important to teach students to become more analytical. Another Lecturer said a passion for justice. The final Lecturer said appreciation for “Caribbeaness” and Caribbean legal thought.



## Discussion

### **Importance of Caribbean Material**

72. There was general consensus among the Deans, Lecturers, and Students on the importance of the students being both taught and able to learn about Caribbean law. The section on results above explains subtle differences and nuances.
73. However, the following are considered particularly noteworthy:
- (i) Students did not place as much emphasis on being taught Caribbean law, but this should be considered an anomaly as they placed great emphasis on learning about it and the two are necessarily linked. This difference may be explained because students emphasised what is important from their subjective perspective – as learners.
  - (ii) Both Deans and Lecturers noted the value in teaching law comparatively, and so also valued the teaching of non-Caribbean materials. For them it was not an ‘either/or’ but a ‘both/and’ approach that was considered ideal.
  - (iii) Some areas of law were considered ‘emerging areas’ and needed special attention even if there was a dearth of Caribbean materials, such as environmental law, sustainability issues, and climate change.
  - (iv) In some areas, Deans and Lecturers noted that where there were few Caribbean materials, the use of UK materials was unavoidable and necessary.
  - (v) Despite the views across the board as to the salience of Caribbean materials, the course materials analysis reveals that in terms of Caribbean cases, except for the Constitutional Law course, the majority of cases in all worksheets for all courses are not Caribbean. In respect of statutes, the statutes referenced were largely Caribbean based. All of the courses, except for Criminal Law I, had references to Caribbean secondary material.

### **Student Awareness of Caribbean Contexts**

74. The Deans, Lecturers, and Students all believed that student awareness of Caribbean social, economic, and legal contexts increased to varying extents as a consequence of the teaching of law courses at the Faculties of Law. The section on results above explains subtle differences and nuances.



75. The following are considered particularly noteworthy:

- (i) With the exception of one Dean, all of the Deans generally felt that the courses offered by the Faculties of Law, UWI greatly increased the students' awareness, sensitivity, and knowledge of Caribbean social, economic, and legal contexts.
- (ii) The results of the survey for Criminal Law I seemed more positive than the Lecturer anticipated as it showed the highest number of students saying, "greatly increased". This is despite the fact that the course material analysis, with the exception of statutes, have significantly less references to Caribbean material than the other courses. It seems this is dependent not necessarily on the quantity of Caribbean materials available but based on the manner in which the course is taught and the incorporation of discussions on local examples and scenarios.
- (iii) The Lecturers for Law of Torts I and Real Property II felt that these courses greatly increased students' awareness, sensitivity, and knowledge of Caribbean social, economic, and legal contexts. However, for these two courses, whereas a majority of students (over 50%) agreed that their awareness, sensitivity, and knowledge "greatly increased" as compared to the other courses, a significant proportion felt that their awareness only "somewhat increased".

#### **Development and Reform of the Law**

76. The Deans, Lecturers, and Students felt that the courses offered by the Faculties of Law, have, to varying extents, increased the students' vision and knowledge on ways to develop and reform the law. The section on results above explains subtle differences and nuances.

77. The following are considered particularly noteworthy:

- (i) Two of the Deans felt that there was room for growth in this area as the Faculties were constrained in the courses offered as a result of limited resources. Another Dean felt that students need to be made more aware of the historical aspect, comparative law aspect, and international agreements. The use of comparative law seemingly provides fertile ground for discussion on reform of law as the law in the region is contrasted with various other models.



- (ii) Students and Lecturers of Criminal Law I seem to diverge on this area. The Students felt that their knowledge “greatly increased”, whilst the Lecturer for Criminal Law I expressed the view that it “somewhat increased” knowledge as it was felt that Criminal Law I was a year 1 course and there were limits on the scope to develop this area. In fact, Students of Criminal Law I had the highest proportion of Students who felt that their experience and education increased their vision.
- (iii) The results from Criminal Law I were interesting as the course material reviews showed Criminal Law I with one of the lowest volume of references to Caribbean material. Again, this may have to do with the manner in which the course is taught. Criminal Law I, having a heavy reliance on UK material, leaves room for critical analysis of this area of law in the context of the region. This emphasises that having access to Caribbean material may be important as it can lead to an understanding of what the law is in the region. In addition, the incorporation of discussion and the application of the law to local scenarios, could be an effective method of increasing the students’ knowledge of development and reform of the law.

### **Deviations from the Original Intent and Philosophical Underpinnings**

78. All of the Deans and Lecturers, with the exception of two Lecturers, felt that the Faculties of Law have not deviated from the original intent and philosophical underpinnings that prompted the establishment of the law faculty in 1970. The section on results above explains subtle differences and nuances.

79. The following are considered particularly noteworthy:

- (i) Interestingly, one Lecturer felt that with the external LLB programme offered by UK Universities widely available in the Caribbean, the UWI monopoly on the teaching of law is slowly being eroded. This is noteworthy as one of the Deans felt that the Faculty does not focus on that aspect of the original intent aimed at removing the United Kingdom’s monopoly on the provision of legal training in the West Indies, as the monopoly has already been removed.



### **Continued Relevance of Original Intent and Philosophical Underpinnings**

80. The majority of the Deans and Lecturers felt that the original intent and philosophical underpinnings were still relevant today. However, the view was expressed that there was too much of a focus on Caribbean materials, and even though it is important, the comparative aspect is equally as important as we live in a globalized world. Based on the above and the course analysis showing a dearth of references to Caribbean materials, there seems to be:

- (i) a need for a renewed vigour to discover salience, and create and reference Caribbean materials in the courses;
- (ii) a need to take into consideration the law in other jurisdictions as this comparative analysis aids in the appreciation and development of Caribbean jurisprudence;
- (iii) a need for consideration of an adjustment in the underpinnings of the Faculty of Law, UWI to take into account emerging legal trends in an increasingly globalized world; and
- (iv) a recognition that even as it is important to know what the Caribbean law is, it is also important to take into account international agreements, and model legislation in various territories, not just the UK, to ensure that Caribbean legal education remains adaptive to the modern world.

### **Optimal Philosophical Approach**

81. The Deans and Lecturers all had suggestions on the optimal philosophical approach. The section on results above explains these in greater detail.

82. The following are, however, considered particularly noteworthy:

- (i) There was an emphasis on the teaching of particular skills like critical thinking, research, and writing, including writing in peer review articles. This is seemingly important for Lecturers as doing so will equip students with an inquisitive approach and provide them with the tools needed to develop Caribbean jurisprudence and promote relevant regional reform of the law.
- (ii) Two of the Deans felt that there was a need to focus on material other than Caribbean materials, and to focus on modern legal issues. This was thought to be especially important as we now operate in a global village.



- (iii) The suggestion is that a comparative approach to law may spur critical thinking and inform ways in which local laws can be reformed and adapted to be relevant in a global world.

### **Challenges Associated with Referring to and Using Caribbean Materials and Teaching**

#### **Caribbean Law**

83. With the exception of one Dean, all of the Deans and Lecturers noted that there were challenges. The section on results above explains these in greater detail.
84. The following are considered particularly noteworthy:
- (i) Access to primary and secondary sources seem to be a major obstacle.
  - (ii) There was an expressed need for more case reporting, the production of consolidated legislation, and a great need for archiving data and online databases.

#### **Platforms for Caribbean Academics to Publish Their Work**

85. The Deans felt that there was an enabling, accessible, and effective platform for Caribbean academics to publish their work, whilst Lecturers generally felt that much more needed to be done. The Lecturers believed that there was a difficulty in publishing in UK journals. The section on results above explains subtle differences and nuances.
86. The following are considered particularly noteworthy:
- (i) The Lecturers expressed that the Faculties, despite being part of a Caribbean University, placed heavy reliance on UK journals. This stymied the production of secondary sources and the discourse and review of developments in Caribbean jurisprudence as there was little space for publishing.
  - (ii) UK journals, which are considered more prestigious by the Faculty of Law, are seemingly not interested in publishing Caribbean law.
  - (iii) The use of blogs was suggested as a good option for encouraging discourse on Caribbean law and should be supported.
  - (iv) Publishing in Caribbean journals and in blogs should be adequately considered when considering promotions. The views were expressed by Lecturers that the emphasis should



be on the content of the publication and the impact on Caribbean law, rather than on the prestige of the journal, as the more established international journals have little to no interest in publishing articles that interrogate the Caribbean region's jurisprudence.

- (v) The Caribbean should create a support body for the creation of an online journal and database.

### **Adequacy of Caribbean Material**

87. The Deans and Lecturers seem to have divergent views on the adequacy of Caribbean materials. The section on results above explains subtle differences and nuances.

88. The following are considered particularly noteworthy:

- (i) The Deans generally felt that there were enough Caribbean legal materials to refer to and use in the teaching of law, whilst the Lecturers felt that the adequacy was course dependent, and that the public law courses seem to have more Caribbean material that can be referred to.
- (ii) The course materials analysis, however, reveals that in terms of Caribbean cases, except for the course of Constitutional Law, the majority of cases in all worksheets for all courses are not Caribbean; and in respect of statutes, the statutes referenced were largely Caribbean based. Lecturers highlighted the need for more reporting and use of local commentary generally. They expressed the difficulty in gaining access to cases at the High Court level throughout the region, or decisions from tribunals.
- (iii) One Dean felt that each course should have a Caribbean textbook.
- (iv) Generally, the Deans, Lecturers, and Students felt that the law courses at UWI either fully or adequately prepared students, with sufficient Caribbean centric materials referenced to allow them to practice law in the Caribbean.
- (v) There seem to be no Caribbean textbooks for Criminal Law I and no references to Caribbean articles in Law of Contract II.

### **Course Reviews**

89. Generally, the course reviews show limited references to Caribbean materials. The section on results above explains this in greater detail and points to subtle differences and nuances.



90. The following are considered particularly noteworthy:

- (i) The Students generally felt that more Caribbean materials were referred to than were actually referenced proportionately in course worksheets and references. This may be because of the manner in which the courses are taught.
- (ii) Generally, there seems to be more references to Caribbean statutes than to any other type of Caribbean material.
- (iii) The majority of courses had less than 50% references to Caribbean material, whilst the majority of Students believed that for all of the courses at least 50% of the course consisted of Caribbean materials.
- (iv) The Lecturers generally felt that Criminal Law II had minimal Caribbean references, and this was consistent with the course review. The Lecturers also felt that Constitutional Law and Administrative Law had the greatest number of Caribbean references, and this was also consistent with the course reviews.
- (v) Out of the courses reviewed, Constitutional Law, had the most references to Caribbean material, with Criminal Law II and Law of Contract II having the least number of references. The opinions of the Lecturers and Students seemed to be consistent with this objective finding.
- (vi) That Constitutional Law displays a very high level of concentration of Caribbean materials is unsurprising. This may be explained by the fact that the written constitutions of the Commonwealth Caribbean have no real UK equivalent, and that many of their provisions have been points of contestation. Commonwealth Caribbean constitutions have thus generated a considerable amount of jurisprudence, with many seminal judgments emanating from final appellate courts (the JCPC and, since 2005, the CCJ) over the 60 years since the promulgation of the first independence constitution in the Commonwealth Caribbean. There is thus an increasing pool of ground-breaking and authoritative constitutional law cases.
- (vii) Constitutional law is also a keenly considered and researched area so that there is a growing corpus of Caribbean secondary materials which enrich the database of scholarship available for teaching and learning in the faculties. This latter suggestion seems to be borne out by the data on secondary materials which show that for





- Constitutional Law, references to secondary materials on Caribbean law outstrip comparable references in Administrative Law by a ratio of 7:1.
- (viii) It is unlikely that this relative dearth of Caribbean materials across nine of ten surveyed courses can reasonably be attributable only to a failure on the part of course lecturers to reference Caribbean materials. Arguably, there is a relationship between jurisprudential development of the law and the degree of scholarship that an area of law attracts. Litigation activity which can generate jurisprudence as fodder for scholarship therefore becomes important, particularly for areas of the law which are heavily founded on common law principles and for which there is little or no statutory inroads.
- (ix) Constitutional Law apart, all other courses show concentration levels of Caribbean sources and materials of below 50%, with a 28-point difference between the course with the highest concentration level after Constitutional Law and the absolute lowest. The courses ranking in the bottom half, though, have only a 6-point difference between the 6<sup>th</sup> ranked and the 10<sup>th</sup> ranked. These courses are the two Contract courses, the two Criminal Law courses and Tort I. An immediate query becomes what accounts for the differential of some 24 points between Tort I and Tort II. Perhaps implicit in the Table 3 data for the Tort courses is that a couple topics<sup>4</sup> in Tort II are significantly grounded in Caribbean statutory law which seems to have generated valuable jurisprudence for teaching and learning. These topics account for the bulk of Caribbean case citations as well as the bulk of Caribbean statute law citations in Tort II: there are 91 Caribbean case citations attributable to the two topics out of a total of 126 Caribbean case citations; and there are 34 Caribbean statutory citations attributable to the two topics out of a total of 40 Caribbean statute law citations. This is in contrast to Tort I in which the total number of Caribbean case citations stands at 42, representing less than half of the Caribbean case citations attributable to the two particular topics in Law of Torts II.
- (x) Statutory intervention by Caribbean legislatures into areas traditionally dominated by common law rules seems therefore to have an impact on the extent to which Caribbean sources and materials are reflected on the worksheets. This is particularly relevant then to contract law and criminal law whose development has been largely directed by the

---

<sup>4</sup> These topics are Defamation and Personal Injury which together account for 34 of the 40 Caribbean statutory citations on the worksheets for this course.



common law. The question remains, however, as to what other factors may be affecting the supplanting of non-Caribbean cases with Caribbean ones in courses which have been dominated by the common law and which, based on the survey results, have exhibited the lowest concentration of Caribbean sources. This deserves further exploration.

### **Students' Accessibility of Caribbean Material**

91. The majority of Caribbean materials referenced were reported as being accessible. The section on results above explains this in greater detail.
92. The following are considered particularly noteworthy:
- (i) Students found that Caribbean cases and legislation were generally more accessible than the other Caribbean sources.
  - (ii) Articles seem to be readily available in the library and so, easily accessible for most of the courses, with the exception of Real Property II and Law of Torts II.
  - (iii) Caribbean textbooks seem to be the least accessible of all the Caribbean materials. The textbooks for the public law courses and Real Property II were generally considered not affordable. However, these issues of affordability seem to be offset by the availability of the material in the library or in e-format. The textbooks which were not accessible in the library were reported as easy to purchase. However, for Real Property II, the relevant textbook was somewhat affordable and there were difficulties accessing it in the library as there were not adequate copies.

### **Competencies of the Hypothetical and Ideal UWI Law Graduate.**

93. Deans and Lecturers cited various skills. Some of the most cited included critical thinking, research skills, clear writing styles, and an understanding of the Caribbean identity and legal thought.
94. One Dean however stressed the importance of local, national, and international perspectives and the relationship between these three layers.



## Key Takeaways

95. There is general consensus among Deans, Lecturers and Students of the UWI Faculties of Law that the teaching of Caribbean-centric legal materials is essential to the vision of The UWI as the region's leading academic institution.
96. There is also general consensus that the teaching of Caribbean-centric legal materials is also essential for the effective development of a truly Caribbean jurisprudence.
97. There is also general consensus that the teaching of Caribbean-centric legal materials is also essential for effective law reform tailored to meet the needs and aspirations of the peoples of the Caribbean. While there is appetite among Deans, Lecturers and Students for greater Caribbean legal materials, the results show that only in a minority of courses are Caribbean materials the principal materials referenced.
98. Statutory intervention by Caribbean legislatures into areas traditionally dominated by common law rules seems to have an impact on the extent to which Caribbean sources and materials are reflected on the worksheets. Where the primary source of the law is common law there appears to be a default emphasis on English law.
99. There is need for the increased development of other resources to complement existing Caribbean materials, and the making of cases, textbooks, and articles more easily discoverable and accessible.
100. Although the research indicates the importance to the various constituents of knowing Caribbean law, it also reveals the view that this needs to be positioned within the wider perspective of exposing students comparatively to issues which have become relevant in the global environment if there is to be a sustainable development of Caribbean law.
101. Legal education needs to also focus on skills development in overarching areas such as critical thinking, research capacity, and legal argumentation and writing, and that it may be more useful to select materials based on how well they support those skills.



## Recommendations

102. Lecturers should solicit the assistance of students on an annual basis in the summer months to help research, collate, synthesize and thereafter reference Caribbean materials (especially recently decided cases) in their courses. This initiative should be appropriately incentivised.
103. For courses in which there is currently a limited number of Caribbean cases referenced, Lecturers should make a deliberate effort to ensure that each worksheet references more Caribbean cases and materials, while also referencing and drawing links (comparatively) with cases and materials from non-Caribbean jurisdictions.
104. While it appears that additional secondary materials on Caribbean legal issues would be useful in augmenting Caribbean content in courses, the complexities surrounding the adequacy of available publication outlets for such issues and the value ascribed to regional outlets need to be addressed.
105. There is a need to encourage the publication of new Caribbean-centric articles and books, as well as to encourage the writing and publication of blogs.
106. The concept of the ideal Caribbean law student/graduate needs to be more clearly articulated and manifested in Faculty literature.
107. There is a need to have consolidated platforms which students and lecturers can easily and affordably access for Caribbean materials.

## Acknowledgments and Appreciations

108. This research project would not have been possible without the support of Professor Sir Hilary Beckles, Vice Chancellor of UWI and the Hon Mr Justice Adrian Saunders, President of the CCJ, who initiated this research project and appointed persons with the requisite skill, knowledge, and insights to embark on this endeavour.



109. We also thank Professor Velma Newton and the Improved Access to Justice in the Caribbean (IMPACT JUSTICE) Project for providing funding which was instrumental in defraying some of the expenses of the Committee.

110. Special mention is made of the Deans, Lecturers, and Students who willingly participated in this research project. They all took the time and care to participate in interviews and surveys, that have helped add depth to the research and analysis and allowed for significant insights to be derived from this preliminary research.

Justice Adrian D. Saunders, PCCJ

JCCJ

The Hon Mr. Justice Peter Jamadar, JCCJ

Dr. Jason Haynes, Senior Lecturer

Lt. Colonel Junior S. Browne, Officer in Charge

Mrs. Candace Simmons-Peters, Administrative Officer (Judicial)

The Hon Mr. Justice Andrew Burgess,

Dr Celia Blake, Senior Lecturer

Dr Justin Koo, Lecturer

Mrs. Laurissa Pena, Judicial Counsel

**Dated this 30<sup>th</sup> day of September, 2022**