Jamadar, Peter and Jardine, Kent. “The triumphs and trials of judicial education in a small jurisdiction – the story of the Judicial Education Institute of Trinidad and Tobago.”

“If you are the big tree, let me tell you that
We are the small axe, sharp and ready”
Bob Marley, “Small Axe”

Introduction

Trinidad and Tobago is a twin-island republic located in the southern Caribbean, in close proximity to the Bolivarian Republic of Venezuela. After being what V.S. Naipaul called “a colonial slum” within the Spanish Empire for nearly three hundred years, Trinidad became a British colony during the French Revolutionary Wars in 1797. Near the end of the nineteenth century, after the collapse of the economy in Tobago, the two islands became a unitary state. In the mid-twentieth century, Trinidad and Tobago became, in quick succession, part of the short-lived West Indies Federation in 1958, an independent country under the British Crown in 1962 and a Republic, within the British Commonwealth, in 1976.

Trinidad and Tobago’s economy has since the early 1960s shifted from the production of primary agricultural products such as sugar, cocoa and coconuts to oil and (since the 1980s) natural gas. This has

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2 Research assistance provided by the JEITT’s Ms Trisha Dassrath, Judicial Research Officer and Ms. Kamla Braithwaite, Judicial Research Assistant.
3 From the Burnin’ album by the Wailers (1973).
allowed the country to achieve relatively high levels of economic development but with the inevitable ‘boom and bust’ cycle, the ‘Dutch disease’ of dependence on the one economic activity and the present-day impending economic collapse due to falling oil and gas prices and rapidly depleting reserves. Although the country remains relatively stable politically, with changes in government occurring peaceably (including just a few months ago), the society illustrates the model of a plural society with the majority of the population divided almost equally between the descendants of African slaves and the descendants of indentured labourers from India, while the rest of the population is made up of various small groups of other ethnicities. The country has a total population of just over 1.3 million.

Operating within a modified Westminster system, Trinidad and Tobago is a constitutional democracy within the common law family which retains the Judicial Committee of the Privy Council of Great Britain as the final court of appeal, although its government agreed in 2001 to the establishment of the Caribbean Court of Justice and that Court actually sits in Port of Spain, the capital of Trinidad and Tobago. The judicial establishment of Trinidad and Tobago comprises 11 judges of the Court of Appeal (including the Chief Justice as President of the Appeal Court), 31 High Court Judges, 3 Masters, 55 Magistrates and 14 Registrars. There are 15 administrative units in the Court’s administration and roughly 2000 persons on staff.


Judicial education in Trinidad and Tobago in the modern sense had its beginnings on the 31st May, 1995 when a new Chief Justice of the Republic of Trinidad and Tobago took office – Michael Anthony de la Bastide T.C., P.C., Q.C.
He was appointed directly from the private bar, after thirty-four years of a distinguished career as a barrister-at-law. It may be that it was his early academic background - Open National Scholarship, Languages, St. Mary’s College (1955), First Class Honours, Law, Oxford (1959)\textsuperscript{11} - or maybe it was just a mixture of his legal experience and intuition, but from the very beginning of his tenure, Chief Justice de la Bastide (as evidenced in his 1998 and 2000 annual Law Term addresses to the Nation\textsuperscript{12}) heralded the importance of the need for a structured continuing education policy for all judges and judicial officers.

In his 1998 address de la Bastide stated:

“I am anxious to see established in Trinidad and Tobago a Judicial Training Institute... What I have in mind is an institute that will provide training not only for judges but also for magistrates and court staff.”

In furtherance of this objective, de la Bastide met with Judge Sandra Oxner, then working with the World Bank Judicial Reform Unit, who offered World Bank funding for a judicial education programme designed in part by the late Justice Telford Georges, a director of the Commonwealth Judicial Education Institute.\textsuperscript{13} De la Bastide sent a judge and magistrate to attend the intensive training course for judicial educators held by the CJEI in Halifax, Nova Scotia, Canada that very year. Not that his initiative was to await that training; in 1996, the year after he assumed office, de la Bastide had already hosted his and Trinidad and Tobago's first dedicated two day Continuing Education Seminar (CES) for judges of the Supreme Court. This practice continued every year thereafter, soon becoming an annual residential event.\textsuperscript{14}

Such was his commitment to continuing judicial education, that in de la Bastide’s 2000 annual address he was able to report:

“The establishment and maintenance of an on-going programme of judicial education which includes

\textsuperscript{12} Law Term Opening Speeches
\textsuperscript{13} Comment by Judge Sandra Oxner, 9\textsuperscript{th} November 2015.
\textsuperscript{14} The Trinidad and Tobago Judicial Education Institute – A History (2012), p. 2.
Magistrates as well as Judges, is a high priority in the Judiciary's programme. The nucleus of a judicial education committee has in fact been formed and has started functioning. It consists of two Judges and a senior Magistrate who have all attended the Commonwealth Judicial Education Institute's intensive training course for judicial educators in Canada, and the Court Executive Administrator whose training at the National Centre for State Courts in the United States, has equipped her to train non judicial officers in court administration and case management.”

As can be seen from the above, not only were decisions and commitments made, but an initial human resource investment in training judicial officers to be judicial educators was also undertaken. This latter choice has proven to be invaluable and the policy of investing in the training and development of leaders in judicial education has continued.

The initial form that judicial education took in Trinidad and Tobago was via ‘Judicial Retreats’. These were conceptualized by de la Bastide as ‘weekend retreats’ (held on Saturday and Sunday), intended to bring all judges (from 1995) and all magistrates (from 2001) together in one place for two days for the purpose of continuing judicial education. Typically, these early judicial retreats had two core objectives - substantive judicial education (on areas of law and procedure) and the building and strengthening of relationships among judicial officers. Both aims were considered of equal importance. The former was intended to keep judicial officers up to date on the current law and to facilitate discussion on challenging and problematic areas in the local context. The latter was intended to build camaraderie - ‘mutual trust and friendship among judicial officers’ - which de la Bastide valued greatly (and hence the terminology “Judges'/Magistrates' Retreat”). By identifying a social and relational purpose for judicial education as explicitly desirable, a core ideal of judicial education in Trinidad and Tobago was birthed.

The insight to make the development of trust and friendship a core value of judicial education in the twin-island state of Trinidad and Tobago has borne dividends. First of all, judges and magistrates, prior to these weekend retreats, had few structured opportunities to meet
and spend extended time together in the context of exploring work related issues or of engaging in adult judicial education. Not only was this experience new, but it was also refreshing, inspiring and mutually beneficial. Learning together as adults, in a safe and peer directed context, developed new and strengthened old relationships while at the same time refreshing knowledge about substantive law and improving critical judicial skills. However, one most significant (though maybe unexpected) development that was brought about by the focus on judicial camaraderie, was a shift in how judicial officers worked.

This shift can best be conceptualized as the movement from individual to collaborative problem solving. Trinidad and Tobago, as a common law jurisdiction, values the independence of the Judiciary. This independence is not only regarded as independence among other state agencies (the separation of powers among the main arms of the state), but also the independence of each judicial officer in relation to all others. Prior to the introduction of “Judges'/Magistrates' Retreats”, the typical judicial officer was highly individualistic and jealously guarded his/her independence *inter se*, exemplified by an almost nomadic exclusivity in relation to hearing, analysing and deciding cases. This is not to say that judges and magistrates did not speak among themselves about cases they were hearing, but it was limited, ad hoc and even somewhat secretive.

What has happened in Trinidad and Tobago as a consequence of the introduction of the educational retreat (bringing together all judges/magistrates), is a much more openly collaborative approach to the hearing and determination of court matters – without any accompanying experience of an erosion of judicial independence. Judges and magistrates now quite regularly collaborate and consult one another on issues of law and practice (and other matters) that confront them for determination. Furthermore, this collaborative model has at the present time expanded to include the promotion of the model of judges and judicial officers as team leaders and participants, working with court administrators and staff in case management and the administration of the court system. The use of the Appreciative Inquiry model as the foundation for the way we do business has begun to create a profound change in the perception of the role of judges and judicial officers within the organisation. People have begun to move out of their silos, seeing the system for the first time in a holistic way, appreciating the talents and contributions of all staff members.

Within three years of its conception, judicial education in Trinidad and Tobago was being led and implemented by a multi-disciplinary ad hoc committee made up of both judicial and non-judicial staff of the Judiciary. This Judicial Education Committee was formally constituted with an entirely voluntary membership in September 2000. The Committee was led by a judge of the Supreme Court with the first Chairperson being the late Justice Wendell Kangaloo JA. The Committee was mandated to

- identify training needs throughout the Judiciary;
- identify training opportunities for all categories of staff;
- organise and coordinate training activities;
- plan training and development programs (seminars, workshops, retreats);
- evaluate training outcomes; and
- establish a Judicial Education Institute to replace the Committee.\(^\text{15}\)

The model that was deployed initially drew heavily from the principles learned at the judicial educators program offered by the CJEI. Thus training was focused on the following four key areas: the role of the judge, substantive and procedural law and practice, judge craft and social context sensitivity.\(^\text{16}\) Over time, other groups of judicial officers and staff were included and we would add another key area - the wellness of participants. More recently, we are including explicit socio-historical awareness in order to address the colonial history and impact on law and society in Trinidad and Tobago. The aim was to develop judges and judicial officers who were impartial, competent, effective and efficient, and in so doing to increase public trust and confidence in the administration of justice in Trinidad and Tobago. Programmes were

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selected and developed on the basis of the experiential learning circle model (beginning with some form of needs analysis) and delivered in accordance with the best practices of adult education, in particular bearing in mind the variety of learning styles/types. Throughout the changes in administrative structures, the principle that judicial education programmes in Trinidad and Tobago would be participant-focused, participant-led and participant-driven has remained fixed.

These formative years in the story of the development of judicial education in Trinidad and Tobago were characterized by management through the voluntary committee appointed by the Chief Justice with both judicial and non-judicial staff. Furthermore, without any formal institutional structure or budget, judicial education and training was implemented by volunteers from within the judiciary, with assistance from other international judicial education institutes. In addition, we experienced a clear preference for foreign external facilitators and a muted disdain for locals. While we continue to work with international judicial education and management institutes such as the CJEI in Halifax, Canada, the U.S. National Centre for State Courts, the Weatherhead School of Management from Cleveland and University College London (UCL) Judicial Institute in London, an increasing priority for us has been the formation of a local faculty from the ranks of the local judiciary and judiciary staff. If the Judicial Education Institute of Trinidad and Tobago (JEITT) is to assume a leadership role in the organisation and promote the development of judges, judicial officers and staff as leaders within our national community, it is important for us to guide and direct our education efforts ourselves. While it is true that this has the potential to lead to a narrow, inward-looking organisation cut off from innovation and global trends, this is a dynamic with which we of necessity must struggle. Postcolonial people like ourselves, particularly those of us from small jurisdictions, sometimes lack the initiative, drive and confidence to assume responsibility for the direction of our lives; this ‘unresponsibility’¹⁷, in the words of Lloyd Best, is a facet of Caribbean life that judicial education must address.

The development of a modern, vibrant Caribbean jurisprudence encounters its greatest challenge perhaps in the instinctive resistance of colonised persons against any attempts to move beyond

established traditions and new dominant principles. This resistance is heightened in small organisations which have been socialised into a narrative of helplessness and dependency, a narrative sharpened in our contemporary globalised environment. In judicial organisations, particularly in jurisdictionally small, common-law traditions, regard for precedent and a sustained conservatism make the paradigm shift away from resistance to indigenous change problematic.

The JEITT has, with some success, overcome this resistance through three core trajectories:

1. the development of a robust and contextually relevant and competent local faculty who will work both independently and with foreign facilitators;
2. the use of local professional educators to supervise the design and implementation of all educational offerings;
3. investment in research based and designed interventions, as opposed to the typical generic importation of foreign ideas and programmes.

In total, we seek to develop a locally driven, collaborative model. What we see emerging is not a complete abandonment of the old or a wholesale enthusiastic embrace of the new but, rather, a hybrid creation incorporating both in dynamic, often unique ways.

Initially the most basic infrastructure was used and expenses were limited to internal travel, meals and rental of accommodation. Where foreign facilitators were used, the cost of their transportation and accommodation was covered. Programmes were selected after some analysis of needs but often with what was readily available and easily accessible in mind. Funding was essentially derived from the Chief Justice’s vote and occasionally from external funding agencies. At this time, there were no dedicated staff and people from the library, information and protocol units were used in the facilitation of judicial education events.

It is fair to say that during the formative stages of establishing a culture of continuing judicial education in Trinidad and Tobago, there was significant buy-in to the idea. However this was not unanimous. There were some judges and judicial officers who saw no value in continuing judicial education and simply did not participate in what was being offered. They would often turn up to training but be disengaged. Over time we have learned to accept that once
continuing judicial education is voluntary and there are no explicit sanctions or career benefits to participation, there will always be a percentage of judges and judicial officers who see no value in or benefit from judicial education.

In Trinidad and Tobago we can therefore say that the emergence of the JEITT is an example of initiative, commitment and courage by a small jurisdiction taking the risk in following our belief that this was the right path to follow. It was a consequence of the vision and will of judicial leadership to simply make continuing judicial education happen – where there is the will (and some minimum resources) there is a way. In truth, the resolute, innovative and inspiring leadership of Chief Justice de la Bastide and Chairperson Kangaloo paved the way for the acceptance and entrenchment of continuing judicial education in Trinidad and Tobago. This factor is of considerable importance in a society such as ours, where the personality cult of the individual (especially where charismatic leaders are almost ‘deified’) quite often trumps institutional structure. At the same time, while it is important to note that it was the singular vision of Chief Justice de la Bastide, and his determination to make that vision a reality, which succeeded in laying the foundation for the Judicial Education Institute, it must also be said that this development was occurring in jurisdictions all over the world, notably in Canada and Australia. Therefore, while in small jurisdictions such as Trinidad and Tobago, singular individuals such as de la Bastide have an outsized influence in creating momentum, it is also true that they are themselves, sometimes without being aware of it, the creation of the times in which they live.

In Trinidad and Tobago, we believe that the story of judicial education has its origins in decisive and determined leadership, aided by charismatic personalities and an emerging global movement towards continuing judicial education. In a small jurisdiction such as ours, getting judicial education started and up and running required genuine and committed leadership, as well as a cadre of willing and enthusiastic volunteers led by trained judicial educators.

*The Pilot Project (2002 – 2011)*

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The period that follows the formative stage in the emergence of the JEITT can be described as the period of consolidation and institutionalisation. It coincides with the tenure of the next Chief Justice of Trinidad and Tobago, the Honourable Mr. Justice Satnarine Sharma T.C., C.M.T., and with Cabinet approval for the creation of a formal judicial education institute as a pilot project. The impetus towards institutionalisation was the consequence of both the original vision of de la Bastide which had translated into one of the mandates of the Judicial Education Committee, as well as the sheer momentum created by the number of seminars, training sessions and lectures that were being held.

During this period the institutional structure of the Institute began to emerge and with the advantage of the appointment of a small but permanent support staff, the work of the Institute began to expand.\textsuperscript{19} Significantly, with Cabinet recognition came funding, as the Institute was now a legitimate line item for budgetary purposes. It is worth emphasizing this, because executive recognition was not \textit{a priori}, but \textit{ex post facto} the proven usefulness of continuing judicial education for the delivery of effective, efficient and impartial justice in Trinidad and Tobago. In small developing societies such as Trinidad and Tobago, consciously working towards State recognition of the value of continuing judicial education is often necessary for the entrenchment and expansion of judicial education institutes that desire a measure of independence from the agendas characteristically associated with funding from international aid agencies. This is not to say that State funding does not have its own complications.

The move to formal institutionalisation with State funding was a carefully thought out and negotiated process. Again, at the forefront was decisive and resolute leadership. The most obvious concern was an erosion of judicial independence. However, this was avoided by a clear and firm insistence that the United Nations Basic Principles on the Independence of the Judiciary (1985), the Latimer House Guidelines (1998) and the Bangalore Principles for Judicial Conduct (2002), are only guaranteed in the context of a truly independent Judiciary; and that such an independent Judiciary is a pre-requisite to the upholding of the rule of law and fundamental to a functioning democracy that values freedom and equality and that respects the dignity of all persons (as enshrined in the Republican Constitution of Trinidad and Tobago). In short, what

\textsuperscript{19} History (2012)p.4
was insisted upon was the creation of an institute that was under the control of the Chief Justice and judge-led and administered (subject to accountability for financial expenditure). Essentially the nascent Judicial Education Institute of Trinidad and Tobago was formed as an autonomous educational institute existing within the context and in service of the wider Judiciary.

These objectives were all recognised and honoured by the Executive, as can be seen by the fact that Cabinet gave its approval with explicit recognition of the following considerations:

1. A comprehensive strategy of judicial education provides an essential and viable means to strengthen the Judiciary's capacity to dispense justice and meet its responsibilities for judicial governance.
2. The unique nature of judicial and court administration requires special training and skills tailored to meet what is needed to strengthen institutional capacity and administer judicial services.
3. Judicial education must be led by judicial officers and function under judicial control, so as to ensure not only that the independence and impartiality of the Judiciary is preserved, but also that members of the Judiciary are accepting of the relevance and values of programs.
4. The Judiciary must be committed to being a learning organisation, able to respond to change, embrace new ideas, encourage learning, growth, development and innovation, facilitate excellence, value all members and encourage communication and sharing, if it is to discharge its responsibilities to the society.20

Thus, the Judicial Education Institute was formally established on the 31st July 2002 to operate with a Board of Directors led by the Chief Justice as President and a judge of the Supreme Court as Chairperson. Justice Wendell Kangaloo JA, who had been instrumental in bringing the Institute to this point, was appointed to this latter position. He was succeeded by Justice Ivor Archie JA in 2005 and when Justice Archie became the Honourable Chief Justice three years later, Justice Paula Mae Weekes JA took the Chair. She was eventually followed by Justice Peter Jamadar JA in 2009 who remains Chairperson at the present time.21

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20 History (2012) p. 4
21 DJL 2011, pp. 70 – 72.
One small but significant undertaking by the new JEITT, was the conscious decision to 'brand' itself as unique and valuable within the Judiciary. To this end it undertook and invested in a collaborative branding exercise, culminating in the choice and use of a distinctive logo. What this initiative achieved was a sense of identity and meaning for the JEITT both among board members and within the larger Judiciary. Another aspect of this 'branding' and institutional consolidation was the exploration and discovery of an apt mission statement for the JEITT. The mission statement that emerged after hours of discussion and consultation aptly describes the institute's purpose, which is "to promote excellence in the Administration of Justice in the Republic of Trinidad and Tobago through continuous training and development of judges, other judicial officers and non-judicial staff attached to the Judiciary." This mission statement has provided a touchstone and focus for the work of the JEITT and kept it 'on track' as it has continued to develop institutionally and expanded its deliverables.

During the period 2002 to 2011, the JEITT firmly established itself within the administrative structure of the Judiciary as an invaluable part of the entire organisation and was recognized as integral to the development and sustainability of the Judiciary as a whole. As such the JEITT provided high quality service to the Judiciary, conducting seminars, workshops, panel discussions, and residential and educational training programs for judges, judicial officers, court administrators, judiciary support staff and other stakeholders. In collaboration with the Hugh Wooding Law School, the Institute has provided a course of paralegal training to all Judiciary and Public Service staff as a three level offering: an orientation program followed by basic and advanced levels. This programme is delivered in large part by judicial officers and senior staff of the Judiciary. On completion, successful candidates are awarded certificates and promotion within the ranks of the court administration is contingent on the possession of these certificates.

In addition, during this period, the JEITT embarked on a publication initiative and published the following: A General Guide to the Civil Proceedings Rules, 1998; JEITT
Monographs of papers presented at its continuing education seminars (2009, 2010, 2011); a JEITT Sentencing Handbook; and Tools for Professional Writers - A Summary of the Essentials for Writing Effective Judgments. This focus on publication meets another need – the desire for published research on issues pertinent to, and produced in, the individual jurisdiction. At the same time, the Institute maintained its relationship with judicial institutes around the world including the International Organisation for Judicial Training, the National Judicial Institute in Canada and the National Association of State Judicial Educators in the U.S.. These relationships were fostered not only by facilitators from these organisations coming to the Caribbean to conduct lectures, seminars and workshops but also from the attendance and participation of Trinbagonian judicial officers at the annual conferences of these groups.22

The Judicial Education Institute of Trinidad and Tobago (2011 to the Present)

In 2011 Cabinet gave its approval for the expansion and restructuring of the JEITT. Cabinet also agreed to make the JEITT a permanent part of the organisational structure of the Judiciary. The pilot project had proven its worth. The JEITT had demonstrated its capacity to play a vital role in the ongoing transformation, development and sustainability of the Judiciary. What had begun as an idea had taken root and grown and blossomed into a full and fruitful enterprise.

The place of the newly constituted JEITT within the organisational structure of the Judiciary is significant. Like the judges and masters and the Chief Justice’s Administrative Secretary, the institute lies directly under the authority of the Chief Justice alone. It does not form part of the administrative machinery of the courts but retains its independence and,

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therefore, its capacity to exercise leadership within the organisation. In his 2015 Address to the Nation at the opening of the Law Term 2015 – 2016, Chief Justice Archie O.R.T.T. stated “The J.E.I. continues to be central to our developmental strategy.” Furthermore, the JEITT’s financial independence has been preserved with the annual budget forming a separate line item vote.

The new organisational structure, agreed to by Cabinet, retained the Board of Directors as the governing body, presided over by the Chief Justice and a Chairperson, but added several key positions. These included a Programme Director, Judicial Educator, Research and Publications Specialist and an Information Technology Specialist. The Cabinet-approved organisational chart included 13 persons but after three years, the Board has come to the conclusion that the activities of the Institute have increased to such a degree that this should be expanded to 17. The most significant inclusions here are a Judicial Research Assistant and a Judicial Research Officer who have come to be required because of the growth of the research component of the Institute’s work.

The appointment of qualified staff remains a challenge for the Institute. At the management level, it has proven difficult to recruit and retain competent management staff especially in the area of Information Technology. A Programme Director, Retired Court of Appeal Judge Roger Hamel-Smith was only appointed last year around the same time as the Publications Specialist and the Judicial Research Officer. The first contract of the Judicial

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Educator comes to an end in December 2015; Trinidad and Tobago is one of only a handful of jurisdictions who have placed judicial education in the hands of someone with professional education competence but no legal background or experience. At the lower levels, staff continue to be snapped up and promoted by other units within the Judiciary since their experience in the JEITT qualifies them to perform effectively at a high standard.

The new Board includes the leadership of the Judiciary (the Chief Justice, the Chief Magistrate, the Registrar and the Court Executive Administrator) as well as representatives from each group of judicial officers and the management of the Institute. The judges and judicial officers on the Board have the responsibility to act as liaisons between the JEITT and their colleagues. They are also responsible for organising termly half-day training sessions for their particular group. These groups include the Court of Appeal, the Criminal Bench, the Civil Bench, the Family Court, the Registrars, the Magistrates and the Court Administrative Unit. Board meetings also occur once a term and feature a lively exchange of ideas and suggestions. This democratic approach to judicial education is deliberate and is seen as a way to model the system change necessary to move the Judiciary forward. It is a recognition that positive change will come when the responsibility for effecting that change is accepted by everyone in the organisation. It is also a recognition that we cannot continue to depend on the ‘great man’ to move the levers of history – in the words of Barack Obama, “we are the change we are looking for.”

At the same time, we would be remiss if we were not to mention that the work of the Institute could not have advanced to its present position without the active support and encouragement of the former Chairperson, now Chief Justice and President of the Institute, the Honourable Mr. Justice Ivor Archie O.R.T.T.. By making judicial
education a priority in his administration, by his faithful attendance and active participation in Board meetings and training sessions (a phenomenon often remarked on with awe by foreign facilitators) and his willingness to clear the path for new and sometimes challenging initiatives to move forward in the face of doubt and sometimes open opposition have all contributed significantly to the success of the JEITT.

The residential weekend seminars which began in 1996 continue to occupy a large part of the attention of the Institute since it remains true that judges and judicial officers are under no obligation to attend. It is therefore incumbent on the Institute to ensure that everyone is encouraged to participate by the relevance of the topic chosen, the innovative teaching practices and lively discussions and the efforts to generate a greater spirit of camaraderie among participants. The CESs are all held in the island of Tobago allowing the majority of the participants the opportunity to distance themselves both physically and psychologically from their daily preoccupations. Every effort is made to ensure that participants are comfortable and their needs are being met. The weekend programme is designed to end at midday on Sunday giving participants the opportunity to spend at least part of the weekend with their family. There are ongoing discussions about the feasibility and desirability of including families on residential weekends.

Already decided is the intention to invite judicial officers from neighbouring jurisdictions, a move which has existed since the days of the Kangaloo Committee. Small jurisdictions often exist in regional groupings for example in the Caribbean, the Pacific nations, and the Indian Ocean, and the movement towards an indigenous jurisprudence is often a joint enterprise with others making a similar journey, though not always by making the same steps.25 The JEITT appreciates the tendency to become what we most fear and works to avoid becoming a new colonial power in the Caribbean region while sharing its facilities, resources and expertise. To this end, apart from invitations to participate in annual CESs, the JEITT has hosted delegations from the OECS, Barbados, Guyana and imminently, the Dutch Antilles on study visits. In addition, most of Distinguished Jurist lecturers have come from neighbouring jurisdictions. This

is all evidence of a conscious policy of regional inclusivity in judicial education in recognition of the need for wider regional initiatives. In this area, the greatest challenges are resource-based and a legacy of insularity and competitiveness in the region.

In addition to facilitating programmes which are designed for specific groups within the Judiciary (e.g. judges and senior management), the Institute utilises ‘cross-training’ where applicable. This inter- and intra-group targeted training applies a) across sections of judges and judicial officers as well as b) between groups of judges, judicial and non-judicial officers. Cross-training has practical and ideological benefits. Practically speaking, this type of training allows us to take advantage of our small target audience and to maximise our limited resources. By creating larger, mixed groups, the Institute can be efficient and economical, because we limit the expense incurred in hiring facilitators. Additionally, cross-training encourages the cross-fertilisation of ideas, experiences and insights around common topics. From an ideological standpoint, cross-training builds overall institutional strength and purpose. When different groups work and learn together, this builds mutual trust and respect which enhances learning and improvement. Past examples of judges, judicial and non-judicial officers’ programmes include the Judiciary Strategic Summit which was a whole system roll out of the Appreciative Inquiry model, Weatherhead School of Management leadership training and the UCL Judicial Institute led Train the Trainers programme (discussed below). With regard to judges and judicial officers, cross-training occurs fairly regularly. In June 2016 we plan to have our largest ever CES, bringing together all judges, masters, registrars and magistrates to explore the topic of Unconscious Bias.

In 2014, the JEITT opened its Training Centre on the ground floor of the building it now occupies. This centre is a fully equipped multimedia facility containing the latest in education technology. It can comfortably hold forty persons and is designed to be divided easily into five break-out rooms. It has its own

7. JEITT Training Centre at Duke Street, Port of Spain.
library, kitchen and copy centre and participants have wireless access to the Internet. The existence of this facility has created considerable interest throughout the Judiciary and it is almost continuously in use. This has resulted in increasing collaboration between the JEITT and the training department of Human Resources, bringing to the fore once again the old debate about the mandate of JEITT. The Institute now includes among its annual CESs a residential weekend for senior administrative management of the Judiciary and various groups such as staff at the Family Court and Case Management Officers have received training facilitated by JEI. Training for the Appreciative Inquiry process, faculty training and training in team-building have all included both judicial and non-judicial staff. At the same time, there remains considerable resistance among the ranks of judges about the JEITT extending its role to the entire organisation. It has to be said that among the rest of the staff, the issue appears already settled in favour of a wider reach.

All levels of judges and judicial officers are canvassed throughout the year about possible topics for inclusion at the CES. The increased judicial workload as a result of high crime rates and a growing litigious attitude in the society has resulted in an increase in recent years in workshops on judicial skills such as judgment writing, case management and eliminating bias. The introduction of new laws e.g. the recent establishment of the Children’s Authority in Trinidad and Tobago, has required some study of legislation and the forging of agreements on the way forward. Looking to the future, the rapidly changing nature of Trinbagonian society under the onslaught of technology, globalisation and crime has made it necessary for judges to become more aware of the historical socioeconomic reality of the Caribbean. It is envisaged that persons from academia, the financial world, medical professionals, and persons working with disadvantaged groups will be called upon to meet with judicial officers to share their experiences and recommendations for the judicial system.

At half-day sessions, of necessity local facilitators are the norm, though occasionally advantage is taken of visits by distinguished jurists or experts. On weekend seminars, when foreign facilitators are sometimes used, every effort is made to include local personnel as group leaders or panellists, for example.
Court staff are often employed as actors when role plays are used as a teaching device and this has had the positive impact of creating good relations between judicial and non-judicial staff. The JEITT has also made a conscious effort to develop a local faculty from among judges, judicial officers and senior management of the Judiciary. Apart from their aforementioned use as lecturers in the Paralegal courses, through an ongoing involvement with the CJEI and, more recently, with UCL Judicial Institute, a cadre of about two dozen trained local facilitators has been created and will be deployed to give specialist courses to their colleagues and to staff. It is also hoped to make the availability of these persons known to other jurisdictions within the region. This development is important in establishing our bona fides as an educational institute, developing truly indigenous and contextually relevant judicial education and training and is the foundation stone for an eventual move towards academic accreditation.

The emergence of a group of Judiciary officials and staff willing to lead as facilitators in judicial and staff training is not the only area in which the JEITT is creating a culture of innovative leadership within the Judiciary. From the latter half of 2011, the leadership of the organisation attended Appreciative Inquiry training at the Weatherhead School of Management in Cleveland. This eventually culminated in the Judiciary Strategic Summit of November 2013 attended by 200 members of staff, democratically elected by their peers of every section, unit and court in the system. While not all of the hopes and dreams of the Summit have come to fruition, those three days remain a tangible beacon of what is possible.26 This relationship with Weatherhead has resulted in further leadership training for selected groups of judges, judicial officers and senior staff. This training includes sessions on Appreciative Leadership, Emotional Intelligence, Mindfulness and Creativity, all designed to foster a new culture within the organisation through the development of leaders who challenge the prevailing norms of the society by accentuating the positive and seeking innovative and creative solutions to problems. The JEITT is thus leading a whole system cultural and behavioural change that is intended to transform the way the Justice system in Trinidad and Tobago is experienced and operated. In fact, this initiative is one of the several innovative interventions that the President of the JEITT has mandated.

Apart from training sessions for judicial officers and staff, since 2011 the JEITT has hosted the annual Distinguished Jurist Lecture and Panel Discussion for the general public. The lecturers have been, since 2011, Sir Shridath Ramphal, former Commonwealth Secretary-General, Justice Adrian Saunders of the Caribbean Court of Justice, Sir Marston Gibson, Chief Justice of Barbados, Dr. Leighton Jackson, Deputy Dean in the Faculty of Law at the Mona campus of the University of the West Indies and Dame Linda Dobbs of the United Kingdom. These lectures and the discussions which follow have invariably generated national debate: in 2012, for example, Justice Saunders initiated discussion on Trinidad and Tobago adopting the Caribbean Court of Justice as its final court of appeal or in 2013 when Sir Marston Gibson, Chief Justice of Barbados, outlined the arguments for and against the retention of the jury system. The JEITT sees these lectures as an opportunity to engage the general public in discussion on relevant and at times controversial topics which are usually reserved to the legal profession and yet have enormous impact on the daily lives of ordinary citizens who, in the words of Justice Smellie of the Cayman Islands, have “a sense that the court house . . . is inhabited by judges who have little understanding of or empathy for the circumstances of the ordinary person.”

The JEITT makes an effort to ensure that the panels are multidisciplinary; members have included journalists, religious ministers and lecturers in anthropology, sociology and criminology. Indeed, these distinguished jurist lectures are broadcast on the television and radio and published in the main daily newspapers, to ensure that the public has access to them and to facilitate widespread discussion about the topics. Breaking down these artificial barriers allows the Judiciary to assume its leadership position in society as an upholder of justice and the rights of citizens. The JEITT is thus playing a significant role in this leadership task.

This important outreach to the general public is also manifested in the JEITT’s website and publications. In the past, texts produced by the Institute were accessed only by legal practitioners and

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scholars. Through the use of digital technology, most JEITT publications will now be available as e-books on the Judiciary website, available for free download by the general public. This includes the four Distinguished Jurist Lectures, the recently completed Criminal Bench Book and in the near future, the Civil Proceedings Rules. In fact the decision to publish the criminal bench book in electronic form and make it available to the public free of charge is in furtherance of a commitment to greater transparency and accountability and to expand access to justice in Trinidad and Tobago.  

In recent times, the JEITT has also produced a *Handbook of Awards of Damages for Wrongful Arrest and Malicious Prosecution* and a handsome volume on the history of the Court of Appeal, which was published to commemorate the 50th anniversary of Trinidad and Tobago’s independence.  

2015 has also seen the completion of a local Bench Book, the work of a committee of local Criminal Judges, “a signal accomplishment (that) once more affirms the Judicial Education Institute as a premier institution of its kind in the region.”  

Small jurisdictions are notorious for their aversion to producing research and printed work. It is often too easy to ‘piggy-back’ on the work of others while for many, the question of a lack of financial resources is a determining factor. The JEITT’s fortunate ability to access some finance from State resources has made it possible for the Institute to produce a few printed texts each year, welcome additions to the legal and historical record. The enormous benefits gained through the availability of these texts to a wide audience through the Internet makes the very difficult production work immensely rewarding.

The dearth of original research and of persons willing and able to engage with such research and the allocation of sometimes scarce resources to research remains a challenge. The JEITT has begun to expand its research from being solely topic-based for training sessions and lectures to gathering empirical data as a foundation for training and education. The topic of procedural fairness has become a main focus for this new law term and we are using research to gather information as a needs assessment (through the use of surveys and court observation) as

29 [Celebrating 50 Years of an Independent Court of Appeal of Trinidad and Tobago 1962 – 2012](http://www.ttlawcourts.org/jeibooks/), Paria, 2015.
well as to inform the training on the topic. Data is being collected on the experience of court users – do they see the system as fair? Do they believe that their voice is heard? Research is also being carried out by a team of behavioural analysts investigating interactions among members of judges and magistrates teams. The empirical data collected and analysis will be used to determine what, if any, intervention is necessary to increase the effectiveness of the team in assisting the judge to dispense justice in a timely, impartial and effective manner. We are convinced that an indispensable element of indigenous judicial education is relevant, rigorous local research and analysis. We would like to suggest that small jurisdictions, even those with limited resources, should make the investment in local research and analysis, as counter-intuitive as this may appear at first glance.

It would be tempting for other small jurisdictions to look at the work of the Institute and its ready access to ample State funds as an indication that such activity is beyond their own reach. While the benefit of an expansive budget is not to be denied, it should be pointed out that this has been a feature only of the last three years. Previously, the Institute existed in much the same situation as the judicial education efforts of other small jurisdictions worldwide. We put together what we could from the Chief Justice’s funds and depended on the willingness of volunteers in both participating in training sessions but also in designing and facilitating training programmes. This, along with the generosity of global organisations, has been central to the success of the JEITT. Although that situation for us is now in the past, it still exists for our neighbours, the Eastern Caribbean Supreme Court (ECSC). Smaller than Trinidad and Tobago and with a physical infrastructure and political systems spread over more than a dozen different territories, the Judicial Education Institute of the ECSC under the effective leadership of first, Sir Dennis Byron and later, Justice Adrian Saunders has since 1998 been achieving miracles with a minimum of resources but with a stern adherence to best practices and a commitment to excellence. The example of the ECSC suggests that access to ample financial resources, while wholly welcome, are not a requirement for modern, effective judicial education.31

The mention of Sir Dennis Byron and earlier Chief Justice Ivor Archie would seem to bring us full circle again to the question of the role of individuals in the promotion of judicial leadership through education. It would appear almost as a ‘condicio sine qua non’ – the need for an effective committed leader to drive the process of sustained judicial education. We however remain convinced that the leader requires those willing to be led; the Caribbean commitment to education and learning means that there is a ready audience for such initiatives. For small jurisdictions, therefore, the need is not for the ‘great man’ to appear but for the audience to be receptive and to be willing to move forward, collectively. There is also the need to move beyond the culture of dependency often nurtured in small places: while we continue to work, within the framework of an increasingly globalised judicial education environment, with ‘outsiders’ (persons and institutions from larger places) who have the expertise, the resources and the experience which we do not possess, it is our responsibility to retain control, to tailor what we receive to meet our needs, to question, to challenge, to interrogate, to invite these others to join with us in moving forward.

To this end we believe that judicial educational institutes need to have a clear, motivating and mobilizing 'vision-statement', not just in the classical management sense, but in the sense of an 'iconic word image'. In furtherance of this, the JEITT has adopted the motto 'Transformation through Education'. Thus, we see our underpinning and overarching role as one of transformation and our vehicle for achieving it as education.

There is a saying in Caribbean society: “Small axe does cut down big tree”. Although Bob Marley in his 1973 recording posited an oppositional relationship between the small axe and the big tree, the original meaning of the saying was that the axe, though small, has the potential to do great things. That is the meaning we want to adopt here. Small jurisdictions face a multitude of difficulties, many of them appearing insurmountable. The temptation is to allow others to be the axe for us and many are generous enough to be willing to assist with what needs to be done. But, we need to do our work. We need to lead our people to greatness; that is a

responsibility we cannot abdicate. We are, however, not alone in this. There are others alongside us struggling with the same task. Let us then be the small axe, let us together cut down big trees.