



**ADDRESS  
OF THE**

**HONOURABLE THE CHIEF JUSTICE  
MR. JUSTICE IVOR ARCHIE**



**OPENING OF THE 2015/2016 LAW TERM**

**IN THE**

**CONVOCATION HALL  
SUPREME COURT**



**HALL OF JUSTICE  
KNOX STREET, PORT OF SPAIN**



**WEDNESDAY 16<sup>th</sup> SEPTEMBER, 2015**

**ADDRESS BY THE HONOURABLE THE CHIEF JUSTICE,  
MR. JUSTICE IVOR ARCHIE O.R.T.T. ON THE OCCASION OF THE  
CEREMONIAL OPENING OF THE 2015-2016 LAW TERM  
16<sup>TH</sup> SEPTEMBER, 2015**

Your Excellency, Mr. Anthony Thomas Aquinas Carmona O.R.T.T., SC, President of the Republic of Trinidad and Tobago and Mrs. Reema Carmona; the Honourable Wade Mark, Speaker of the House of Representatives and Mrs. Mark; the Honourable Faris Al Rawi, Attorney General; other members of the Cabinet of Trinidad and Tobago; Mr. Orville London, Chief Secretary of the Tobago House of Assembly, the Honourable Kamla Persad-Bissessar, S.C., Leader of the Opposition; Your Excellencies, Ambassadors and Heads of Mission, Honourable Justices of Appeal and Judges and Masters of the Supreme Court of Trinidad and Tobago, Heads of Religious Bodies, Ministers accredited to Trinidad and Tobago, Acting High Commissioners and Chargé d' Affaires, Presidents, Chairpersons and Members of Superior Courts of Record, Judges of the Caribbean Court of Justice; Her Worship, Mrs. Marcia Ayers-Caesar, Chief Magistrate, and other Magistrates, Members of the Legal Fraternity, and Business Sector, religious organisations and civil society, other specially invited guests, members of the media, distinguished ladies and gentlemen, all.

As is customary on this occasion, it is my duty to inform you of the accomplishments of the Judiciary over the past year, the challenges that lie ahead, and our plans and projections for the future. However, beyond these obvious obligations in regard to our accountability for expenditure of public funds, we are also mindful of our obligation to uphold the rule of law and to foster and maintain public trust and confidence in the Judiciary at all legitimate institutions in our society.

The discharge of that obligation is not restricted to the issuing of judgments and rulings, but sometimes requires comment on matters of national interest and, where necessary, speaking truth to power, as I have at times in the past been constrained to do, from the neutral and a political perspective that we are afforded by virtue of the way in which we are appointed and hold tenure, as well as our insulation from the electoral process. Now, that is not to say that we are unmindful of the fact that changes in the economy or executive office may require tactical shifts in the way in which we approach our tasks, but our long term strategic vision and mission remains unaffected by party politics. Partly for that reason, those who have listened to my past addresses may find that some of what I have to say today sounds repetitive, but it has been my experience that sound arguments and exhortations often require repetition before they are noted and acted upon.

We live in a society where perceptions and accusations of overweening arrogance, megalomania, negligence, official corruption, nepotism and ineptitude in respect of persons in leadership positions are freely aired and shared. And, of course, no human being is immune from such failings and temptations, and even as Judicial Officers we are engaged in constant training and introspection, careful selection and monitoring to

ensure that our ranks remain uncontaminated. But I fear that we seem to have come to a sorry pass in Trinidad and Tobago where it is almost impossible to conduct civil discourse in the public arena, and those are troubled waters indeed through which one must pilot the good ship, Judiciary. I must confess that sometimes I feel like Odysseus trying to chart a course between Scylla and Charybdis, with all the frustration that attends to such a task.

However, as is the case with every change at the political helm, we have a fresh opportunity to set this country on a new course of stability and to build the just society of which I have spoken so much in the past. We must pull things back and restore public trust and confidence in all our institutions. Most importantly, the goodwill and hope extended to us by our people must never be betrayed or squandered. As always, the Judiciary remains committed to pursuing a mutually respectful and collaborative path with the other arms of government in the context of continued respect for our independence. I take the opportunity to congratulate the newly elected Prime Minister and his Cabinet and to assure them of our desire to pursue constructive dialogue to realise our commonly held aim of improving the administration of justice for our citizens. Already, initial discussions have been cordial and encouraging and we look forward to more positive engagement.

Now, while there are no simple solutions, I do believe that we may benefit from a simplicity of approach, and so as I was searching for a point of connection, a simple mantra, if you want, that would serve to engage and motivate all our employees and stakeholders towards the attainment of our objectives, I was led to a consideration of the extent to which all of our attitudes and thought processes are determined by our education and the

culture we have absorbed. And in that regard, my point of departure was to recall the fact that there is a relatively small school set on a hill in Mt. Marie in Tobago that has produced a President, two Prime Ministers, a Chief Justice, the current Anglican Bishop, and more than its proportionate share of Central Bankers, diplomats, Permanent Secretaries, prominent public servants and other professionals, and I asked myself, What was different, what was different about our beginnings? And beyond the obvious commitment to excellence, integrity and discipline that was instilled in us, what comes to mind is the first rule in the school rule book, the overriding principle, if you wish. And the rule is simply this: "**A Breach of Common Sense is a Breach of the School Rules**". Let that sink in for a while.

It strikes me, ladies and gentlemen, that what Trinidad and Tobago needs is a good dose of common sense. Forgive me for observing that it is often in the legal profession that common sense is particularly lacking. We have been trained and conditioned to be adversarial, to win, to look for a rule to bolster the potency of our ammunition, when all that the client wants is someone to help solve their problem. And I see so much unnecessary and expensive litigation that could have been avoided by the application of a little common sense.

As I develop this notion, I want to distinguish common sense from conventional wisdom, that is, what we think we know. Conventional wisdom, devoid of any supporting empirical evidence or logical thought, prefaces every assertion with the express or implied maxim, "Everybody knows this..." or "It's obvious that..." But true common sense proceeds from observation and accumulation of evidence by way of sound logic to simple and practical solutions. We need to move away from a public

service culture that is defensive and rule bound to one in which we have the flexibility to employ creative solutions to problems that are correctly identified and be rewarded for performance and achievement, not seniority. To put it simply, we are crying out for common sense management towards common sense solutions.

In Trinidad and Tobago, everybody has a prescription for maladies they have not properly investigated and do not understand. Just pick up the paper or listen to the talk shows and you will know what I am talking about. And so that is why I come here year after year, give the same speech and nothing happens. That is why we have spent upwards of 300 billion dollars in the past five years and we have not yet turned sod on a single new judicial facility. That is why we have not yet fully eliminated preliminary inquiries, why we still have jury trials, why we are still incarcerating people for two marijuana cigarettes, why we still have a death penalty that we are never likely to effectively implement, why we still have a highest appellate court that one cannot access unless you are very rich or you are charged with murder and somebody represents you for free. That is why the Judiciary has not been able to realise many of its strategic objectives and properly discharge its mandate because we do not yet have real financial autonomy to manage the things that are within our purview. That is why, and I do feel strongly about this, people need to stop blaming us for those aspects of the justice system that are outside of our control. We need a little common sense here. What can I do about low crime detection rates or inadequate evidence or no proper detention facilities or slow forensic analysis or a shortage of attorneys at the Criminal Bar or prisoners arriving late?

We have some real systemic problems that will not be solved by old

talk but which require moving beyond conventional wisdom and applying common sense on the basis of the evidence and information that we already have or are able to gather. And that is why we collect statistics. My reporting to you serves the secondary albeit necessary purpose of accountability, but the primary reason we gather statistics is to form the basis for common sense decision-making.

Before I go into the reporting of our actual statistics, let me illustrate by a few examples the distinction I am trying to make between conventional wisdom and common sense. We often here the expression 'Jail ent make to ripe fig'. That's conventional wisdom. And so collectively we turn a blind eye to harsh and inhumane prison conditions when all the empirical research suggests that there is a positive correlation between a more humane, restorative approach to incarceration and lower rates of recidivism. The only punishment intended by a custodial sentence should be the deprivation of liberty. That is common sense.

Given the available evidence of the correlation between improved literacy and reduced criminality of recidivism, it is common sense to spend money on education and diversionary programmes which costs less than the \$13,000.00 per month, the cost to keep a prisoner before recycling him, and it's usually a him, into society with severely limited prospects for productive employment. How many people in this society even work for \$13,000.00 a month?

Conventional wisdom says "Lock them up and throw away the key." Common sense tells us that we cannot incarcerate our way out of our social problems and crime in general because many studies internationally show a positive correlation between longer sentences and higher rates of recidivism as well as between higher overall rates of incarceration per

capita and higher rates of recidivism. The explanations, of course, require more time than we have today, but we need to be mindful of these realities otherwise, as we say colloquially, we will just keep spinning top in mud.

Conventional wisdom says we need more religion, and I know I am treading on a touchy ground here, but common sense tells me that we need more respect for fundamental human rights, because studies do not support the notion that professed adherence to any recognised religion is associated with reduced rates of violent crime. In fact, there is a considerable body of evidence to the contrary. Again, the explanations are complex, but my own observation is that we often use religion to accentuate differences rather than commonalities, and 'otherness' becomes the justification for intolerance, condemnation, judgment and ultimately, oppression and violence. Perhaps rather than seeking to impose upon or convert others to our own world view, we should first address the disconnect between what we preach and how we live. And lastly on this issue, as we contemplate constitutional and legislative reform, we must ask ourselves whether we do not practice systemic violence when we endorse laws that punish on the basis of 'otherness'.

Permit me now to turn to our performance statistics in order to place into context some of the common sense proposals that the Judiciary would like to implement.

### **HIGH COURT (CRIMINAL)**

Looking first at our performance in the higher criminal arena in the High Court, there is good news and there is bad news. The good news is that last year, not including matters in which there was a hung jury, the judges of the High Court disposed of 130 Criminal Indictments. This

represents a 51% increase over the last year and a 32% increase over the six-year average. It is also the highest clearance rate over the past six years, and this was achieved despite the fact that one trial has occupied a judge for the entire period and there have been a number of trials that have lasted for months. When we consider the time to disposal from filing, 57% of the matters were disposed of within three years, that is from filing of the indictment, 67% within four years, and 86% within five years. For this, I must commend the judges for the extraordinary effort that they have put in. The bad news is that there were 190 new indictments filed so we are still falling further behind.

Over the past few years, the number of persons awaiting trial for murder has risen to 514. Common sense tells me that by itself, the death penalty is not the solution. Apart from the dubiousness of its value as a deterrent, do we really believe, assuming that a significant fraction of those persons are found guilty, that we will be able to hang several hundred people or that, if we tried, we could stomach it? Please don't misunderstand me. The question whether we have a mandatory death penalty or any death penalty at all is a matter for the legislature and the people of Trinidad and Tobago. But as the ones who pass the death sentences, we must ask, is there a sense of futility in doing so? And we must ask questions about the practical difficulties of implementation. What are we going to do, schedule one a day or do it in groups? So what is the real problem and what could we do about it? The problem is one both of process and of capacity.

On the process side, about 15% to 20% of sitting time is lost owing to jury management issues such as illness, exams, family funerals, lateness, etc., and this does not include the time we spend traipsing them in and out

of the courtroom every time counsel want to make a legal submission. At the end of that, there are a significant number of hung juries which mean we have to start the whole thing over again. What is common sense telling us here?

On a positive note, we are taking steps to address the culture of adjournments and attorney control over proceedings by introducing some discipline into the trial process. I am happy to announce that after extensive consultation and with the cooperation and assistance of Judicial Officers, the DPP, Legal Aid, Chief Parliamentary Counsel and the Bar, the Rules Committee has just formulated and approved Criminal Case Management Rules that would facilitate early disclosure and disposal of preliminary issues, impose stricter timelines and also impose a positive obligation on all parties, including Judicial Officers to assist in progressing cases in accordance with the overriding objective of dealing with cases justly and expeditiously. Training will commence shortly, and we expect to be up and running in early 2016.

After a successful experiment with Goodyear Hearings, including an unusual foray by the Chief Justice on the trial bench, I have now issued a Practice Direction to facilitate more wide spread adoption of this procedure. Goodyear Hearings or Maximum Sentence Indications, as the local version is now called, are a procedure whereby, at the request of the accused who has committed an offence, the Court will give a binding indication of the maximum sentence he or she is likely to receive in the event of a guilty plea on the basis of factual admissions advanced voluntarily by the accused and agreed by the Prosecution. Significantly, the plea must be made within a specified time, otherwise the guarantee is lost. We anticipate that persons who have been in remand or on remand

for periods approaching their likely sentence will utilise this procedure. Already considerable interest has been generated. And when utilised in conjunction with the revised Plea Bargaining legislation, we anticipate a significant reduction in the backlog.

The reality is that for many people on remand fair and sustainable prosecutions for the offences charged may no longer be possible whether because witnesses may have died or no longer available, quality of evidence has deteriorated over time or for other good reason. And common sense suggests, as I have been advocating for some time, that a comprehensive exercise be undertaken to review all matters beyond a certain age, discontinue those prosecutions that are no longer sustainable, and utilise the plea bargaining provisions for others, perhaps for pleas to lesser offences where it is justifiable in law based on the state of the evidence. But, of course, we can't bring the cases, that is a matter for the DPP and the Defence to work out.

On the capacity side, we simply do not have enough prosecutors and defence attorneys to deal with the matters in the system. My attention was drawn recently to a television programme in which an attorney was complaining about delays in the court and the fact that he had over one hundred clients awaiting trial for murder. Well, let's apply some common sense. Would more judges or courts solve that? Even if we had a hundred courtrooms and judges waiting to try them, when one attorney is engaged in one trial, then the other hundred and six would have to wait until he got around to them. So anybody who has a hundred matters becomes a choke hand to the system rather than a part of the solution. At the same time we hear that it is difficult to make a living at the criminal bar. The work has to be shared around, people have to be given the opportunity

to develop in the criminal law. Now do we understand why I have been clamouring for a Public Defenders office? If we attract more lawyers to a criminal practice, then there is something else that follows. Obviously, if you know -- although we know that the country is facing difficult economic times, there must be a commitment to providing long promised new physical plant as a matter of high priority. I hope I am making it clearer the need for a real financial autonomy so that those who live with and understand the problems can set the priorities. It's just common sense after all.

#### **HIGH COURT, CIVIL.**

New filings were down from 4857 in 2013-2014, to 4716 last year. This is below the six year average of 5089, and indicative of a steady downward trend over the past four years. I am not sure whether this is due to the perception that we are no longer as efficient in disposing of matters, whether it is due to the increased utilization of alternative dispute resolution mechanism, or some other factor, but we do need to research that. In any event, what is clear is that disposals are also down, both in absolute terms from 4407 to 3905, as is the disposal to filing ratio, which has declined from 1.0 in 2011-2012 to 0.9 in 2013-2014, and now stands at 0.8, clearly indicative of a capacity issue. It is nevertheless of some comfort to report that of the matters disposed of during the last law term, 84% were disposed of within two years of filing. That continues to be a remarkable achievement for which the judges must be commended. I must also thank the Masters whose efforts often go unnoticed and unheralded.

Our ability to improve disposal rates is also being hampered by what, in my view, is sometimes irresponsible and excessive resort to procedural appeals by some members of the bar and I intend to pursue

consultation with the Law Association with a view to possible amendment of the civil procedure rules to discourage unnecessary appeals.

Again, I have been cautioning for some time that we were at saturation point, burn out is affecting the judges. The deployment of alternative dispute resolution mechanisms is an essential part of any effective justice system. We do not exist to do trials, we exist to provide a dispute resolution service in which a trial is only one option and one of last resort.

In the past, it is fair to say, I have promised the roll out ADR systems including mediation and settlement conferencing as an integral part of our suite of services. I have to apologize that we have been unable to meet the September 2015 deadline, but significant progress has been made by the Implementation Committee. We should be in a position to evaluate responses to the call for the expressions of interest from service providers within a couple of months, or so, and I am determined to have implementation effected within the upcoming term.

## **MATRIMONIAL**

We can pass quickly over the matrimonial statistics by mentioning that new divorces filed are holding steady at 2814 in comparison with 2824 in the previous year. However the determinations are up to 2253 from 1963. I am not so sure that you can report that as good news, but at least we are becoming more efficient at it.

## **PROBATE**

There was a rebound in new filings from 3052 to 3633 which puts us above the six year average of 3463. We manage to achieve a clearance ratio during the year of 0.86 for large estates and 0.99 for small estates.

## **MAGISTRACY**

Here, I am afraid, the news again is not so good. While new filings are down from 125,166 to 115,536, which is again a downward trend over the past three years, so are the disposals from 83,822 to 77,816. More significantly, our disposal to filing ratio is stuck at .67. This is another area where some common sense is required. Traffic matters accounted for 56,744 of the new filings, and I have been saying over and over again, magistrates do not need to be dealing with minor traffic matters like tickets. They should be doing case management and trials. The technology exists for smart licenses and immediate electronic citation. Fines should be payable online. Maybe in default one should not be able to register a new vehicle or renew a driver's license, and an unsuccessful court challenge should be met with an automatic doubling or tripling of the fine, and we should introduce a point system with automatic disqualification beyond a fixed threshold and mandatory driver education before renewal and I believe that that should be effective at behaviour modification.

We are already doing what we can in respect of process reform by the introduction of Criminal Procedure Rules as I have mentioned, and intensive case management training in collaboration with the bar is planned to help us change the culture of adjournments. We really should not be having any such thing as putting a matter for mention. No adjournment should take place in the courts without clear directions and an

understanding of what the respective parties are responsible for doing in the meantime, and no court hearing should be scheduled unless specific steps are to be taken towards the disposal of the matter.

Additionally, the roll out of hearings by video link which has been inexplicably stalled for so long needs to be started. This will reduce the cost and risk of prisoner transport as well as the problem of late arrival of prisoners to court.

Having said all of that, I must thank those Magistrates who have once again put in a Herculean effort under very difficult conditions. And while it is always risky to single out any particular district because there are hardworking Magistrates everywhere, I think we need to go and do a study of Point Fortin where there was a disposal to filing ratio a rate of 98% achieved. Well done Point Fortin.

## **COURT OF APPEAL**

This past year saw an increase in total filings from 557 to 626. This is also the continuation of a steady upward trend over the past six years during which an average of 524 matters per year were filed. The bulk of this consisted of 322 Civil Appeals and 256 Magisterial Appeals. Disposals were up from 459 to 516, so that there was a slight uptick in the disposal to filing ratio from 0.77 to 0.82. The last time that the ration exceeded 1.0 was in 2012-2013. So it means that, again, we are falling behind despite working harder than ever, and it has now become very difficult to get a hearing within a year of filing appeal.

Now I have already alluded to what I consider to be an abuse of the procedural appeal process by some. It's not unusual for us to be sitting past 4 o'clock on a Monday afternoon. The majority of procedural appeals

are unmeritorious and are either dismissed or withdrawn. However, because of their very nature, we strive to and succeed in giving immediate decisions in over 90% of the matters. This requires intimate familiarity with the issues evidence and authority cited which means that from the middle of the previous week, every waking moment is spent reading the increasingly voluminous bundles. I am giving active consideration to imposing limits on the sizes of bundles and time limit for oral presentation before the Court. In the meantime, I am appealing to attorneys-at-law to carefully consider whether it is necessary for the fair and orderly progress of the case or in the client's best interest to file an appeal. Management of a case belongs in the hands of the trial judge, not in the Court of Appeal, and we will not intervene unless there is a manifest or egregious error that can affect the just conduct or outcome of the case. In the event of an unfavourable outcome at trial level, errors can still be corrected on appeal. A careful assessment of costs and time savings must precede any decision to appeal at an interlocutory stage.

Having said all of that, it is clear that the workload has now outstripped our current capacity and I will be requesting the Judicial and Legal Service Commission to recommend to His Excellency the President that an additional Court of Appeal judge be appointed during the upcoming term. I express my profound appreciation to the existing appellate judges for their support and their tireless efforts during past year.

There is one more statistic that I think is significant. We have set ourselves a target in the Supreme Court that no judgment should be outstanding for more than six months after the conclusion of the hearing or trial. Apart from the anomalous situation in the Family Court that is being addressed, I am happy to report that our Statistics Department has

informed me that as of 31st July, 2015, there were no judgments reserved for more than six months in the Court of Appeal, and only five in the High Court. When we consider the thousands that have been disposed of, I think that is a remarkable achievement. And although one or two may have crossed that six months threshold by today's date, as we stand today, there are no judgments purported to be outstanding for as much as a year. Given the constraints under which the judiciary operates, my view is that the past year's performance has been very satisfactory.

### **PHYSICAL INFRASTRUCTURE**

I turn now to a consideration reporting on what we would be doing in terms of improving our plant and our processes, and I will deal first with physical infrastructure.

Under this rubric, what I have to report is self-explanatory of the need for reform in the public sector procurement and financing arrangements but, more particularly, in relation to the judiciary. When you see the whole picture, the solution is, well, common sense. So here goes:

### **SAN FERNANDO FAMILY COURT**

Cabinet gave approval for the restoration of the St. Joseph Convent building for use of the Family Court by NIPDEC through a loan financing arrangement. However, NIPDEC, having completed the evaluation and recommendation phase of the procurement for Design and Cost Consultants has not been able to finalize and implement the loan financing mechanism. We are awaiting a response from NIPDEC on the reason for this.

## **SAN FERNANDO MAGISTRATES' COURT**

This is at the Eastern Credit Union building. Cabinet gave approval for the completion by NIPDEC. Design and costing was completed in fiscal 2014. Tendering and awarding of contract was completed in December 2014. Construction began in January 2015 and has been ongoing since. At present demolition works and refurbishment and strengthening of the steel structure has been 90% completed. However, due to funding constraints during the year, work could not be completed as scheduled. Additional funding for the project arrived in June, 2015. This was utilized to pay outstanding amounts for mobilization and consultant fees, both of which were due since January, 2015. So with confirmation of financing in fiscal 2016, the project is expected to be completed in January, 2016.

## **RIO CLARO MAGISTRATES' COURT**

Cabinet gave approval in principle for the refurbishment and expansion of the Rio Claro Magistrates' Court. Conceptual designs and costing were completed and approval was obtained in fiscal 2014 for the project budget and funding for NIPDEC to be appointed as the project manager.

In fiscal 2015, designs were finalized and submitted for tender. Following the invitation, it was realized that all bids were above the Cabinet-approved budget estimate by at least \$8 million. At present, NIPDEC has undertaken the evaluation of the tenders and the judiciary is awaiting the recommendation of the tender evaluation committee. The construction period is expected to be 18 months upon confirmation of financing.

## **COUVA MAGISTRATES' COURT**

The judiciary received Cabinet approval in August 2013 for a reduced scope of work for the refurbishment and expansion of the Couva Magisterial Court based on the then Ministry of Justice's communication that a Judicial Center would be built at Carlsen Field. It was the intention that criminal matters would have been transferred in the first instance from Couva Magisterial District to the said Judicial Center, thus reducing the need for a second courtroom and non-intersecting secure circulation zones at Couva Magistrates' Court. Designs and costing were originally completed with this in mind. However, additional design work had to be done when the then Ministry of Justice announced that the Judicial Center at Carlsen Field was no longer a priority.

So the design work was redone and completed in fiscal 2015 and an engineer's estimate was submitted in respect of the revised design for comment by MTS, the project manager. At present we are awaiting a response on our queries regarding the revised engineer's estimate from MTS before seeking further approval from Cabinet for the additional required funding.

## **CHAGUANAS MAGISTRATES' COURT**

The Judiciary signed a contract with MTS in January 2014 to undertake refurbishment of the Chaguanas Magistrates' Court. In March, 2014, MTS invited tenders to undertake the construction work. MTS, however, omitted a number of work items from the tender documents having already received sign-off on the drawings from the Judiciary. The omissions, having only been discovered at the award of contract and when

the work had already begun, had to be corrected through inviting new tenders for a Phase 11. The development of the tender documents for Phase 11 contained the process now of checking each item of work and referring back to the approved drawings to ensure that it fully captured our requirements. This work was done in collaboration with MTS over several weeks and during this time the contractors continued to work as per the existing contract. So there are a few items of work under Phase 1 still to be completed such as paving of the car park and installation of doors and windows. However, full completion will await the finishing stage of the project so that we don't disrupt from the existing work during Phase 11.

Having completed the tender process and evaluated the proposals for the Phase 11 works, MTS submitted the tender for our review and approval. Since then we have also requested MTS to provide other critical information such as what measures would be taken to ensure that all the Phase 11 works adheres now to the timeline and ensuring that the approved designs are, in fact, properly implemented. MTS was also asked to indicate how the project would be managed given that one of the key managers has left during the course of the project.

Approval was finally given in the first week of September 2015 for award of Phase 11. I am spending a little time on this because I am aware of the significant disruption that has been caused to our clients and to attorneys by movement of operations to Tunapuna and I felt that it is important that we give an account. And so by now the contract between MTS and the contractor should have been executed and works are expected to continue in the second half of this month with an eight-week timeline to completion.

## **HALL OF JUSTICE, PORT OF SPAIN**

Finally, the Hall of Justice, we have installed a new full-load generator and commissioning is awaiting final inspection by the Electrical Inspectorate based on recommendations that had been made that would impact specifications.

Tenders have also been invited by the Central Tenders Board (CTB) for a design-supervision consultant for the works related to the upgrade of the outrigger panels and at present we are in the process of negotiating the contract price. We expect to award that contract this month.

## **SAN FERNANDO SUPREME COURT**

And with regard to the San Fernando Supreme Court, the repair refurbishment of the roof of the San Fernando Supreme Court was completed in fiscal 2015.

## **KEY CONSTRAINTS**

Now, as may have become apparent from this narrative, one of our key constraints for the 2014/2015 fiscal year, has been our inability to obtain the necessary financial resources to implement critical infrastructure projects. Experience has taught us that it is difficult to keep the momentum on construction projects and responsibly commit resources when:

(i) funding is not available during the time frame that the project is expected to be completed.

(ii) funding cannot be assured during and at the beginning of the year.

(iii) there is a long lead time between requesting and obtaining funding.

Despite the additional allocation made to the Judiciary in June 2015, that late in the fiscal year, projects were still delayed due to the fact that the Judiciary was already in the process of re-allocating funding from other votes to two of its critical projects, that is, the refurbishment of the Chaguanas Court and the completion of the San Fernando Magistrates' Court. And so in that regard, a number of smaller but critical infrastructure projects could not be pursued.

## **INSTITUTIONAL STRENGTHENING AND PROCESS REFORM**

And we deal now with institutional strengthening initiatives and process reform, turning first to Information and Communications Technology.

### **FAMILY COURT**

In keeping with its philosophy of continuous improvement, on August 25, 2015, the Family Court went live with further customizations to its existing Case Management Information System in order to improve the operational support processes for dealing with matters at the Court. As part of its evaluation of operations, a re-engineering project was initiated to provide the Court with more efficient systems, better and more extensive use of automation, improved customer service and a more comfortable and rewarding workplace for employees. It is expected that the re-engineering of each of the Court's processes would reduce delay, errors and superfluous activities and create new more effective processes. Now workflows were mapped and used to inform the design of the upgraded system. It is anticipated that the learnings acquired from this project will

be used to effect process reform throughout the wider Judiciary. This upgrade will also enable the Court to receive better statistical reports for performance monitoring and to serve documents to parties through e-mails and to record and manage payments. It will also allow for attorneys to search their clients' records on premises, among other things.

### **JUDICIARY INTRANET**

Work has been going on in regard to deploying a newly branded Judiciary intranet using Microsoft SharePoint. This is being done in partnership with iGovTT and Microsoft (Trinidad). At present, that platform has been installed and work is still on-going with regard to making necessary customizations that will reflect our brand and will improve functionality. The Judiciary intranet is carded for completion by end of this month, after which data migration and content development will take place and we will launch in October.

### **CASE MANAGEMENT INFORMATION SYSTEM**

With regard to the Case Management Information System, following Cabinet's approval for the design, development and deployment of a modern Case Management Information System in September 2014, we engaged iGovTT (National Information and Communication Technology Company of Trinidad and Tobago) to submit a proposal for the management of the project. The proposal was submitted by iGovTT, was reviewed and commented on with the expectation that a revised document would have reached us by May. However, due to internal constraints at iGovTT, the finalized document was not submitted until the first week of

September. So we have a Note prepared for Cabinet for approval to engage iGovTT as soon as Cabinet can convene to consider it.

## **JUVENILE COURT**

As many of you may know, the Judiciary has for sometime been concerned about the lack of diversionary programmes as alternatives to, or in conjunction with correctional facilities that are rehabilitative or restorative in nature and that can directly lead to a reduction in recidivism among young offenders. As a concrete step towards taking immediate and appropriate action to divert juveniles and youths who are at risk from a life of crime, preparations are currently underway for the establishment of a Juvenile Court in Trinidad and Tobago. The project is being implemented in partnership with USAID (U.S. Agency for International Development) and the United Nations Development Programme (UNDP). The Juvenile Court project is an important step in achieving meaningful juvenile justice reform and embracing the global standards in adjudication involving children and also in accordance with the United Nations Convention on the Rights of a Child, to which we are a party. While important strides have been made towards the modernization of the juvenile justice system in Trinidad and Tobago, such as the Adoption of the Children Act and the Children's Authority Act, we now need a mechanism to give effect to these and other key and related pieces of legislation.

It is expected that the Juvenile Court will play a critical role in the on-going juvenile justice reform in Trinidad and Tobago. The project will establish two juvenile and youth courts under the stewardship of trained Judicial Officers who will serve to develop civic responsibility, youth leadership and the use of positive peer pressure to encourage young people

accused of committing minor offences to take responsibility for their behaviour in keeping with a more rehabilitative and less punitive approach. The project will develop court-annexed diversion programmes through coordination and referral mechanisms in cooperation with the Children's Authority, other State agencies and non-governmental organisations. Part of the project involves drafting court rules and procedures, as well as building the institutional capacity of the Juvenile Courts to adjudicate related cases in a more efficient and effective manner.

In addition to providing sensitization and training agencies and stakeholders in the juvenile justice sector, the project's objectives will also include a public awareness campaign to educate citizens and youth about juvenile justice reform.

For the year in review, the key outputs of the project were:

(i) Enabling legislation in the form of "The Family and Children Division Bill, 2015" which, unfortunately, was a casualty at the prorogation of the last Parliament.

(ii) Draft Rules of Court for the Juvenile Court.

(iii) Sensitisation and awareness sessions with key justice stakeholders.

(iv) Review of existing referral mechanisms and rehab programme options.

(v) And identification of accommodation for the Juvenile Court in Trinidad.

## **DRUG TREATMENT COURTS**

In June, we recognized our second group of graduates who came from both San Fernando and Tunapuna Courts. We commend Magistrates Ramsumair-Hinds and Stroude, who prepared these participants for graduation along with their team and I congratulate them on the continued success of the courts. The Steering Committee, ably led by Justice Malcolm Holdip and Chief Magistrate Ayers-Caesar, continues to provide sterling support for the on-going development and improvement of this programme. In this regard, recognizing the need for on-going support for the graduates, the committee will oversee the roll out of a comprehensive Alumni Support Programme that will draw on the expertise of psychologists and other mental health professionals and will be supported by the Credit Union League. We urge other professionals, NGOs, CBOs and Faith-based Organizations to support this initiative as we try to provide the participants with the best opportunities for continued success.

I want to encourage the public to remember that while not all the participants or graduates will have enduring success with their sobriety or their lifestyle choices, this programme really gives them the tools so that even if they stumble in the future, they will not fall.

## **JUDICIARY BRANDING EXERCISE**

In fiscal 2012, we engaged the services of a qualified service provider as a partner to undertake the development of a corporate brand and identity that will support our strategic communication and transformation agenda and create a customer oriented, high performance, professional organization. Having as one of our performance standards public trust

and confidence, the new corporate identity was intended to enhance our image as an organisation that lives up to its core values of excellence, accountability, integrity and commitment to service. The new identity is also intended to strengthen relationships with our customers and stakeholders. The corporate brand works together with a corporate identity by relating how customers and the general public feel about the quality of service and whether there is trust in the organization with the key visual and tangible elements that represent the Judiciary. To this end, not only have we completed our corporate mark and sub-brands, but we have also developed and begun sensitisation and awareness sessions with key staff to communicate the key messages and behaviours that are associated with the brand. It is recognised that as part of building new corporate brand and identity for the Judiciary, we must encourage our employees to act as ambassadors for the organisation's values, products and services.

While an implementation and resource plan for the launch and roll-out of a new corporate brand was also completed during the engagement with the service provider, the unexplained withdrawal (by the former Cabinet) of consideration of approval of the Note for the relevant funding has been a critical constraint in moving forward with the project.

In the face of lack of funding, we have gone ahead with the implementation of a "soft roll-out" of the corporate identity through the use of the logo and corporate marks on documents such as our Annual Report, newspaper advertisement, invitations, which some of you may already have noticed, various staff tokens and memorabilia and customer brochures.

For fiscal 2016, further work will be undertaken to ensure that court

staff fully understand the meaning of the brand within the limits of our funding to publicly launch our brand and our new corporate identity.

## **PUBLICATIONS**

I am also pleased to announce the publication of two very important works. The first is a history of the first 50 years of the Court of Appeal from independence to 2012. It is truly a labour of love undertaken by a hardworking committee within the Judiciary with a narrative written by the distinguished Professor Bridget Brereton. I want to publicly acknowledge and thank them for their efforts.

The second is a Criminal Bench book that will be of inestimable practical value to Judicial Officers as well as practitioners. The completion of a local Bench book that incorporates the most recent jurisprudence is a signal accomplishment and once more affirms the Judicial Education Institute as a premier institution of its kind in the region. Some of us have just recently completed certification under a Train the Trainers Programme administered jointly with University College, London, to increase and develop the skills of our local faculty in accordance with the philosophy of drawing wherever possible on indigenous resources. The JEI continues to be central to our developmental strategy.

So there you have it, ladies and gentlemen. What I have given you today is a summary of some of the more significant achievements and on-going initiatives from the just concluded law term. A more complete account must await the annual report whose publication date has been adjusted to October 2015 in order to come into alignment with the conclusion of the fiscal year. Clearly, while a lot has been accomplished, there is much more to be done and we need the support and cooperation of

the Legislature, the Executive and all of our stakeholders, especially the Bar. In that latter regard, it would be remiss of me if I did not acknowledge, with gratitude, the very cordial relationship that we enjoy with the current executive of the Law Association which is backed by tangible support through participating in joint training, assistance on committees to review draft rules and procedures and process reform including work on weekends and public holidays. Attorneys from the Attorney General's Office, the former Ministry of Justice, Chief Parliamentary Counsel have also rendered yeoman service and I thank them all.

Well, for those of you who came today expecting fireworks and drama, I am sorry to disappoint you. Now is not the time for that. I am just trying to use common sense.

The new administration must be given fair time to settle in and find its feet in the context of whatever is the state of our national finances, which I anticipate we will be told in the upcoming budget presentation, but we do pay attention to campaign promises and so I look forward to early and constructive dialogue and a fair and adequate allocation to the Judiciary.

Please permit me, in conclusion, and in the interest of time, to truncate the customary individualised words of welcome and farewell and mention of transitions so that we can keep this address to a digestible length. All will be acknowledged in the Annual Report.

Today, I would simply like to thank all who have left us, whether through retirement or other causes for their contribution and to welcome those who have joined the ranks. Before I close, though, I must thank all of you who have made today's event successful and worthwhile. First and foremost, we owe a debt of gratitude to His Excellency the President and

The Honourable Prime Minister for gracing us with their presence. Thanks must also be extended to our distinguished and beloved guest speaker, former President Richards. Our thanks go out, as well, to the Dean of the Cathedral Church of the Holy Trinity for hosting our Service of Worship and Celebration. And I must specifically correct a terrible omission from last year: Every year, our service is put on with the cooperation, advice and assistance of the Inter-religious Organisation. It is a sterling example of the type of unity and harmonious coexistence that can be achieved if we put aside our differences and focus on our shared humanity.

The service is an important and sobering reminder of the awesome responsibility that we undertake as Judicial Officers and on whose behalf we do it. And so I want to publicly express appreciation to Brother Harry and the other religious leaders for their contribution. And to all of you who have taken the time and trouble to attend today's proceedings, your presence is what makes this occasion special. Thank you for coming. Thank you, as well, to St. Margaret's Boys Ensemble. And last, but by no means least, to all the MTS and Judiciary staff who, as usual, have gone beyond the call of duty to ensure that facilities and arrangements are in good order.

Thank you all very, very much.

Finally, may I take the liberty of endorsing the Honourable Prime Minister's recent call for an attitude adjustment and a commitment to service before self. I can think of no better closing exhortation than to repeat the words of Dr. Slinger Francisco in his classic nation building song, and if this were not a court sitting, I would sing it, "Forget political policy and political ties, rebuild your country before the good name dies. If

everyone would learn to play their part, that is enough to make a useful start so we would have a better Trinidad and Tobago. You put a hand and I put a hand, and we will see in no time at all for big and for small prosperity. There is no other way to do it. Show your patriotic spirit, unity somehow if Trinidad ever needed you, it's now."

I have great pleasure in declaring the 2015, 2016 law term opened. This court now stands adjourned.