



JUDICIARY

TRINIDAD AND TOBAGO

Feature Address by

The Honourable the Chief Justice (Agt.)

Mr. Justice Allan Mendonça

On the Occasion of the

Re-opening Ceremony of the Chaguanas Magistrates' Court

Friday 17th June, 2016.

-Thank you Madame Chair;

-Mayor of the Borough of Chaguanas, Your Worship Gopaul Boodan;

-Your Worship Chief Magistrate Marcia Ayers-Caesar;

-Ag. Deputy Chief Magistrate, Ms. Nannette Forde-John and other members of the Magistracy;

-Court Executive Administrator, Ms. Michelle Austin;

- Deputy Court Administrators, Messrs. Jerome Mark and Recarb Ali;
- Representative of the Law Association of Trinidad and Tobago, and other members of the legal fraternity;
- Mr. Richard Sirjoo, President of the Central Lawyers Association;
- Senior Supt. Jayson Forde of the Chaguanas Police Station and other Valued Stakeholders;
- Members of Staff at the Judiciary;
- Members of the Media;

Distinguished ladies and gentlemen;

Good morning.

Thank you Madam Chair. Given the presence of our Magistrates and senior officers of the police Service, I might be forgiven for the uneasy feeling that I am in the dock but I will press on.

A collective sigh of relief and an overwhelming sense of gratitude must have no doubt have been the response of the Chief Magistrate, the Senior Magistrate and members of staff assigned to the Chaguanas Magistrates' Court as you entered this building this morning. The wait is over. Come Tuesday 21st June, the Chaguanas Magistrates' Court will reopen its doors to once more serve the residents and business folk in the Caroni Magisterial District. Mental images of the old building may have engaged you as you walked along your new corridors and sat in new office accommodation, no doubt comparing what is to what was. And indeed the transformation brought about by our Contractors and other service providers is remarkable. Our clients will now receive the services of the Court in more modern, customer focused and comfortable surroundings.

What's more, new technologies: the public address and customer service ticketing systems, audio digital recording systems, video conferencing capabilities are all soon be introduced to ensure an improved customer experience in this newly refurbished space. The Borough of Chaguanas has certainly received a vastly improved Courthouse. What it will, however, continue to also benefit from is the dedication and commitment of the staff of the Court. Brick and mortar, no matter how impressive, count for nothing without that commitment to service and excellence.

At this point I truly want to commend our staff and burgesses of this fine Borough for their remarkable patience and understanding. The project unfortunately extended beyond the originally promised date of completion. Many of you may have had reason to doubt that you would ever stand within these walls again. And I see from your faces that that thought had indeed crossed your minds. Staff at the Tunapuna Magistrates' Court where the Chaguanas Court services were transferred also demonstrated tremendous team spirit and professionalism. They made the necessary adjustments to ensure that both Magisterial districts, Tunapuna and Caroni, were well served in spite of significant constraints and difficulties. Our stakeholders including the Trinidad and Tobago Police Service and the Trinidad and Tobago Prison Service must also be commended.

Ladies and Gentlemen, today's ceremony is of signal importance to the Judiciary. It represents the realisation at this location of some aspects of our main business goals as outlined in our 2013-2016 Strategic Plan. We have recognised for some time now that operational excellence and the development of a high performance professional culture must, of necessity, be supported by modernised and improved infrastructure. That is to say, if we are to improve our service delivery we must not only streamline our business processes, seek greater process efficiencies, apply ICT and continuously train staff, including our Magistrates, other Judicial Officers, and Judges to be able to function within those environments; but we must do all of this within facilities that are designed for these purposes. The new technologies and systems available to modern Courts require modern infrastructure to support their functioning. Purpose-built facilities are critical.

The Judiciary's efforts towards creating a safe and productive environment has been ongoing for more than a decade, with critical focus on modernising court buildings and facilities that are outdated so that we can provide what the public is entitled to expect as basic customer service for a court environment. The sixty-year old former Chaguanas Court plant was one such.

The demand for the services of the Court is not within the control of the Judiciary. This may be a matter related to a number of social, economic and demographic variables. The statistics show however that there has been a significant increase in the number matters that are filed at our courts. For example, in the 2001/2002 Law Term a total of 5,883 matters were recorded as filed in the Chaguanas Magistrates' Court, compared to 12,224 filed in the last Law Term (2014/2015), a 48% increase. This increase in demand has been accommodated in the same three courtrooms, with the same assignment of three Magistrates, the same number of Clerks of the Peace and staff. Given the trend in terms of demand, this does not seem to be a tenable situation for justice in this district in the next decade.

This situation exists in many of our other Magistrates' Court. A different solution must be arrived at to deal with what is inherently a systemic issue.

The Judiciary continues to do its best to address and manage those factors that are, in fact, within its control. Among these are: using new tools and technologies to manage the business of the court, equipping staff, Judges, Magistrates' and other Judicial Officers to use such tool and technologies, and putting into practice modern techniques of case and caseload management and court administration. The Judiciary has also sought to refurbish and expand its court buildings where it can, and where sufficient space, funding, and capacity allow.

To this end, there are a number of court building refurbishment projects that are at various stages of completion in areas such as San Fernando; Siparia; Rio Claro; Point Fortin and Port of Spain. These projects and others are often beset by a number of challenges, not the least of which is our inability to exercise the needed control that may guarantee greater efficiency in the completion of our projects. It is because of this that I am particularly pleased today to stand with you to celebrate the completion of the refurbishment and expansion of the Chaguanas Magistrates' Court Building, even in the midst of challenges and disappointments that may have led to some delay.

Some of you may recall the intention expressed by the Executive several years ago when the Chaguanas Court was identified by the Judiciary as being in critical need of modernisation , to construct rather than merely a new Magistrates' Court but instead a Judicial Complex which would comprise both the High Court and Magisterial jurisdictions. This project was promised in 2011/2012, for delivery a span of 4 years. This Complex and at least 2 others would have been built on greenfield sites thereby being relatively unconstrained in terms of the space that could be provided to customers and staff, number of courtrooms that could be constructed , and with adequate provision for the private, public, and secure circulation zones that must accompany court buildings. In consideration of these plans, and being mindful of costs the Judiciary held back on refurbishment works to many of its buildings, including this one.

The Judiciary itself was also, prior to this announcement pursuing its own greenfield site to construct a building that was suitable albeit less grand than a Complex. The site that we had identified, at the time, could not be provided to us.

One must remember that given the current rules, procedures and practices in the Public Service, the Judiciary cannot acquire lands; lease buildings; hire staff and undertake many other critical and essential functions that are necessary for supporting the court. That this inability continues to operate to the detriment of court users and customers, is without question. That it is inconsistent with internationally accepted norms of Judicial Independence is undeniable.

For these reasons, the Judiciary has embraced the idea of Financial and Administrative Autonomy. This idea, as Chief Justice Archie has indicated, encompasses not only a desire on our part to exercise control but also the need to be allowed as an organisation to build and maintain the capacity that would ensure the efficient exercise of that control. This idea, as he has suggested, also carries with it the responsibility to account to the Nation for our application of this control and for our use of resources.

While the matter of Magistracy Reform has, undoubtedly, been on the agenda of the Judiciary for a number of years, our ability to achieve this objective remains impacted by the very lack of control and autonomy to which I and others before me, have referred. I certainly recall Chief Justice Satnarine Sharma once describing the Magistracy as a “dinosaur”. With a few notable exceptions, this view may still be applicable.

We have lacked the capacity: financial and human resource, technological and physical, to bring much needed-reform into being at anything other than a slow and unsteady pace. The Madinah Building of the San Fernando Magistrates’ Court and the Scarborough Magistrates’ Court remain the only functioning examples of our vision for the Magistracy. In the absence at this time of:

1. appropriate Case Management software ;
2. Procedural Rules (efficient Petty Civil court rules, Criminal Procedure (the latter now being available for implementation in January 2017), Family and Juvenile which are also now being addressed in a meaningful manner consequent upon a pilot in the family jurisdiction);
3. a restructured Human Resource support function based on revised procedures and rules and software and the required capacity of the organisation’s HR generally;
4. Building/facilities specifically designed to accommodate the requirements of the reform;
5. Judicial Officers and support staff trained in case flow management;
6. a system of organisation, district and individual performance measurement and management to properly support the reforms and continuous improvement (the latter being discussed within the organisation’s leadership at this time), the Magistracy does indeed remain a dinosaur.

All of the above have been hindered/ delayed by circumstances which can be traced ultimately to our lack of control over our affairs; our development; our future; our inability to chart our own course, to implement our plans and then to be held accountable for our success and failure. We have been subject to the failings of our capacity; subject to the determination of priorities by those outside of the organisation; subject to the protocol, practices and procedures that may have served the Public Service historically and have served well, are now inadequate and inappropriate for a Judiciary seeking to transform and modernise.

But the news is not all bad, ladies and gentlemen. Even with all of the challenges described, this organisation, this Magistracy has managed, to continue to deliver justice to the people of this district, to the people of all our districts; to the people of our Country. With a spirit that stands strong even at the worst of times, our staffers, our Administrators, our Registrars, our Magistrates and, still maintain our commitment to deliver Justice. They stand with our Police and Prisons Officers, with our Prosecutors and Defence Attorneys and with our colleagues in the various Ministries and organs of the State, to deliver Justice. We have managed to make improvements to several of our Court buildings, we have improved processes, we have and continue to train staff to function more efficiently. We offer support to them through our programmes and initiatives that promote health and happiness. We continue to make the changes to culture that will ensure the levels of professionalism to which we strive.

We, ladies and gentlemen, continue to strive. We continue to serve. Let us not forget that.

There is yet another aspect of the re-opening of the Chaguanas Court that I wish to highlight. I am delighted that Chaguanas can be counted among our success stories not only as it relates to the physical upgrades achieved, but also as it relates to our rebranding initiative. It is among the first of our buildings to display the new Judiciary brand visual identifiers.

When you entered the building today, you perhaps noticed our brand colours, logo and other unique branding elements of the Judiciary. Our new symbol (an open book with a bird hovering over it as it takes flight) embodies our ever constant, even nature, continually being enhanced by our commitment to continuous learning and enlightenment and resting upon a foundation of rich tradition and sound

principles at its core. Though constant, we are ever evolving, always soaring above our limitations, to remain relevant.

Our new brand and its ideal, form the framework to assist us in messaging both internally and externally about our transformation agenda and our bid to create a customer oriented, high performance, professional organisation. 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. With our corporate mark and sub-brands completed, the process of sensitisation and awareness sessions with key staff to communicate the main messages and behaviours that are associated with the brand, together with training sessions to provide the platform for behavioural change, are progressing. The success of our transformation exercise is directly proportional to our success at living the organisation's values and skilfully delivering our products and services with efficiency and timeliness. In other words ladies and gentlemen, we intend to "Walk the talk." We will live the brand and the values that it embodies.

We have spoken much of transformation and process change. In this regard I am happy to turn to recent developments intended to impact the core business of the courts in the criminal arena. It is, after all, the criminal arena which presents the greatest challenge to our ambition to be at the forefront of an efficient and modern Justice System. The developments to which I refer are the Criminal Procedure Rules will have an impact on case management at both the Magistracy and High Court levels. The Rules have been completed with the collaboration of the Trinidad and Tobago Bar and have been recently published. They are expected to bring more discipline to the criminal trial process.

Soon these new Rules will be implemented with the resulting improvement in aggressive case management that will lead to greater trial efficiency. Stringent timelines for both the defence and the prosecution supported by appropriate sanctions for breach of those timelines, will work as a management tool to assist the Courts in developing consistency in the way matters are advanced through the system.

By way of example, the Court, in the management of cases will be able to give a direction on its own initiative or on application by a party. Such a direction may be:

to ask or allow a party to propose a certain direction;

for the purpose of giving directions, receiving applications and representations by letter, by telephone or by any other means of electronic communication, and to conduct a hearing by such means;

to fix, postpone, bring forward, extend, cancel or adjourn a hearing;

to give directions without a hearing; or even

to shorten or extend (even after it has expired) a time limit fixed by a direction.

These extended powers of the Court especially as they relate to the use of real-time electronic communication now recognised and accepted as an official means of communication between the Court and parties, will have a tremendous impact on the speed at which matters can proceed. This should go a long way toward reducing delay and backlog in our Criminal Justice System. The Rules also provide for early disclosure and disposal of preliminary issues and provide for matters to be dealt with expeditiously. Training of stakeholders in the application of the Rules will begin in September with full implementation expected in January 2017.

It is important to note that our progress in this area would not have been possible without the collaboration and assistance of our strategic partners in addition to the Bar. In this regard, the Judiciary continues to work with other actors in the Criminal Justice System: The Attorney General, the Director of Public Prosecution, the Ministers of National Security, Public Administration, the Commissioners of Police and Prisons to name only a few, to devise measures aimed at improving the administration of criminal justice. We are particularly proud of the Judiciary/Inter Ministerial Justice Sector Committee through which there has been collaboration on a wide range of initiatives. An associated sub-Committee is currently exploring initiatives aimed at reducing the size of the remand population by examining alternatives to incarceration and speeding up the progress of trials via the use of video conferencing technology. We are also developing proposals for the establishment of an information technology platform for information sharing and processing of information among justice sector agencies.

Ladies and Gentlemen, as I close, it would be remiss of me if I omitted to thank the officers of various Ministries and Departments such as the Office of the Attorney General, the Ministries of Finance and Planning, all of which played a role in ensuring that we had the resources need to undertake and complete the work on this fine building.

And last but not least, I offer my sincere thanks to the staff of the Judiciary's Administrative Units for their work in supporting the core functions of the organisation. I regret that we do not often offer to them, the public expressions of thanks which they most certainly deserve. With regard to this particular Court refurbishment project, the following Units: Planning; Building Plant and Equipment; IT, Security, HR, Court Protocol and Information have all worked long hours and with great dedication to get us here today. I also want to make special mention of Deputy Court Executive Administrator, Mr Recarb Ali, Project Coordinator, Ms Dionne Mitchell and Area Court Manager, Mr Arnold Sealy. I understand that Mr Sealy may have actually slept on the premises last night but I cannot confirm if this is true. If it is, please go home, Mr Sealy.

You all, along with the external project managers, contractors and service providers for this project brought this task to completion. As I have said, the hours were long, your deliberations often times lengthy and involved and not without their frustrations, but ultimately you “brought the project home.” You are to be congratulated. I also want to pay particular thanks as well to our Court Executive Administrator, Ms Michelle Austin for her leadership of our administrative team.

Please accept my very best wishes to all of you who now call this spanking new facility your home away from home. Take care of it and do your best to represent us, the Judiciary of Trinidad and Tobago well, by living our highest ideals of excellence, commitment, service, integrity and accountability each day you spend in this space. Ladies and gentlemen, I thank you.