ADDRESS

of

THE HONOURABLE THE CHIEF JUSTICE
MR. JUSTICE IVOR ARCHIE, O.R.T.T.

Opening of the 2018/2019 Law Term

Convocation Hall
Supreme Court

Hall of Justice
Knox Street, Port of Spain

Monday 17th September, 2018

Address by the Honourable the Chief Justice, Mr. Justice Ivor Archie O.R.T.T on the occasion of the Opening of the 2018-2019 Law Term

Good afternoon all. It would seem that this year acts of God, inclement weather and Mr. Murphy have all conspired to knock us off the pedestal of tradition, and so with apologies for some of the glitches, may I continue in the vein that was established at the church. And after acknowledging the presence of Her Excellency, Ms Paula-Mae Weekes O.R.T.T. President of the Republic of Trinidad and Tobago and, of course, the Former President of the Republic, Mr. Justice Carmona, I simply address you all and recognise the many other distinguished ladies and gentlemen who are present in this court this afternoon. Good day to you.

It gives me great pleasure, Your Excellency, to welcome you for the first time in your new capacity to this formal opening of the new Law Term. It continues, for me, to be a source of immense pride that when the country is looking for persons of suitable calibre to hold the nation's highest office, we have consistently looked to previous holders of judicial office, in which to repose that confidence. It augurs well for the quality and reputation of the Bench and the continual solidity of this institution, despite the periodic onslaughts to which we are sometimes subjected.

I wish to acknowledge, as well, those members of the Executive and the Diplomatic Corps who are here and to welcome you all. I am also heartened by your presence. I know many of you were not able to make it because of other responsibilities but some are listening from remote locations.

I acknowledge, as well, the apologies of the Honourable Prime Minister who has indicated that Parliamentary responsibilities would keep him away.

From the beginning of my tenure, I have stressed, of course, the importance of a cordial and collaborative relationship between the separate arms of State while preserving the independence and the proper separation of powers. I am pleased to acknowledge that, in the current dispensation, many of the pleas of the Judiciary over the previous years are now beginning to find concrete acknowledgement in the Executive and Legislative agendas as we seek to retool for the future.

My focus today, therefore, would be to explain how the Judiciary is being and would be populated and provisioned as we position ourselves for the future. At the heart of what I wish to convey is the message that progress is achieved when the right people are selected and provided with the necessary tools to execute appropriate processes.

It is that understanding that underpinned this year's thematic approach for the address at the Service of Divine Worship which was "Justice for our children - Effecting Change" and the reason why I feel that there yet remains unfinished business for me.

May I depart from script at this point in time to express my deep gratitude to Mrs. Mahabir-Wyatt for reminding us of the power of the story. It's really why we do what we do, and I so wish that in this society that we could learn to talk to each other more, rather than shout at each other. Challenging times bring out the best in us and I am proud to report that the Judiciary is on the cusp of a transition that will see a dramatically restructured Judiciary whose recruitment and management philosophies and processes may well be incomprehensible to those who, looking on from the outside, may not understand what we do and why we do it the way that we do it. I, therefore, have a duty to explain.

In a rapidly evolving environment, it is a truism that continuous learners will adapt and survive, while the learned will remain perfectly adapted to a world that no longer exists. And on reflecting it occurs to me that much of the criticism that we currently experience comes from a continued search for relevance on the part of some who have not quite realized that the world has changed and left them behind. It is one of the particular challenges of a profession that is precedent bound and steeped in traditional ways of doing things that may no longer be practical or effective.

Permit me to preface the body of my address, however, by a brief observation. I do understand completely that it is my duty, and a part of the purpose of this opening address, to articulate our thinking and intent to the people to whom we are solely accountable, that is the entire population of Trinidad and Tobago, and I do so without apology or deference to any particular stakeholder or interest group.

It may be also a convenient juncture to make something clear. All of us in Trinidad and Tobago value and need a free and responsible press. For that reason I have, thus far, been

restrained in my legal responses to certain false allegations made in the media (although I do reserve my right at an appropriate time, to such recourse as I have as a private citizen).

Over the past 10 months it is true that the Judiciary has been faced with the challenge of me being the subject of more than 20 articles making false and unsubstantiated allegations. It has never been my position that I am not accountable, but all too often rumour and innuendo, when continually regurgitated, miraculously assume the mantle of fact. As you are aware, the Judicial Committee of the Privy Council has re-affirmed that I am accountable in accordance with the Constitution, and I give you my assurance that I will continue to discharge my oath and my solemn obligations to you, the public, and I expect and call on all other stakeholders to do the same. That being said, let us turn to the business at hand.

At the core of our strategic realignment is a document developed over two years ago for the financial and administrative autonomy of the Judiciary on which I am happy to say that there is general agreement between the Executive and the Judiciary as it does require significant structural adjustment and some legislative reform. While we are happy to entertain the views of all our stakeholders, including the wider legal profession, we are already committed to this course. It is a necessary course if we are to discharge the increasingly onerous and diverse mandate that has been placed upon us.

Our responsibilities include navigating a landscape that is characterized by more sophisticated forms of crime, including cybercrime, and serving a demanding public with ever-increasing expectations. They require us to recruit and train judicial officers with different profiles and competencies from what would have pertained in the past. And although at the core of the judicial toolkit there will always be the need for strong logical thinking, numeracy (including modern ICT skills), articulate verbal and written communication, humility and an understanding of our historical and social milieu, these must now be deployed in an environment of cryptocurrencies, virtual worlds and sophisticated transnational crime.

Traditional law school curricula do not necessarily prepare entrants to the legal profession to function optimally in modern judiciaries and so the Judicial and Legal Service Commission must now find new ways to screen applicants for judicial appointment that may not find favour with traditionalists. I am constrained to deal with this frontally and at some length because much

criticism and some concern has been expressed in recent times about judicial appointments. None of this, of course, is an indictment of the Judiciary itself, since the Judiciary does not make judicial appointments. Under our current constitutional arrangements, the Chief Justice happens to head both the Judiciary and the JLSC. The JLSC, in making appointments must, of course, be mindful of and responsive to the vision and needs of the Judiciary.

In any given year the JLSC makes hundreds of appointments, most of them non-judicial. As it happened during the 2016/2017 Law Term, a single appointment to the High Court Bench, among the dozens made to the Judiciary over the previous decade, became the subject of controversy and court proceedings. The matter is sub-judice and I can, therefore, make no further comment at this time.

I have also been made aware of a recent report of the Law Association of Trinidad and Tobago on judicial appointments that, although it contains some helpful observations with which I am in general agreement, I find myself, respectfully, unable to agree with several of its implicit and explicit assumptions. I hope you will understand, therefore, that what I am about to say is not intended to be combative but is offered in a spirit of transparency and as a basis for constructive engagement with all of Trinidad and Tobago, including the Law Association, remains an important stakeholder.

May I, therefore, turn next to that report to explain what I mean. I will begin with a few general observations. The report, without comment or justification, purported to assign Ethnicities to the members of the Bench, presumably to measure its concept of “diversity”. To the extent that it was based on “Committee Observations”, that is, in my respectful view, neither useful nor scientific. In the first place, race is not a concept accepted by reputable science nor can it be a valid criterion for judicial appointment, nor, for that matter, is genetic composition determinable by casual observation.

Ethnicity is an even trickier concept, particularly when not assisted by any self-reporting. Having said that, it would seem that the Law Association's own observations record a very diverse Bench so far as that is concerned.

One is also not entirely sure from the report whether other concerns about diversity surround sex or gender, which are, of course, different concepts but, again, I venture to suggest

that at the High Court Level there is no shortage of females while the Appellate Bench simply reflects past historical trends for entry into the profession and not any bias in the appointment process, given the length of experience required to become an Appellate Judge.

I say this because if diversity is the goal, and there is no gainsaying that it is a desirable goal, then the only sensible way to achieve it without compromising quality is to provide a recruitment process that is objective and offers a level playing field to those who choose to apply and that is what the JLSC has been trying to do.

In the report there is a reference to the Reginald Dumas Task Force Report that described the OECS Regional Judicial Legal and Service Commission as a "rubber stamp" for the Chief Justice's wishes. No overt suggestion is made to the effect that the same pertains to Trinidad and Tobago, but I consider the inclusion of that, without further comment, to be troubling and a bit unfair to the current and recently departed members of the JLSC, all of whom I hold in the highest regard, and for whom I have the utmost respect. They were specifically chosen, I am sure, for their maturity and independence. I know that they would never allow themselves to be bullied by a Chief Justice, not that I would ever attempt to do so.

The JLSC functions generally by consensus and if a minority has a strong and principled objection to any course of action we are unlikely to proceed with it. Permit me, please, to make a general plea for us to stop dividing this country by careless and unfounded commentary.

Having said that, the recommendation that the composition of the JLSC be expanded to include Human Resource Professionals and other suitable members of civil society is welcomed. In fact, this particular recommendation was part of the comprehensive report commissioned by the Judiciary and sent to Cabinet for the improvement of the financial and administrative independence and management of the Judiciary to which I referred earlier. We anxiously await its full implementation.

I want to give the assurance that psychometric evaluation was developed with the advice and guidance of Human Resource Experts and qualified psychologists. In fact, it was developed and applied by independent service providers using the published criteria for judicial appointment, along with actual examinations of sitting judges whose performance and temperament were generally acknowledged to be commendable. The service provider was

selected after an open tendering process and the confidential reports are discussed with the JLSC by the supervising psychologist and made available to applicants on request.

With regard to the written tests, I am at a loss to understand why it is felt that certain applicants, by virtue of their academic training or experience, may be at a disadvantage. It's not a matriculation exam. It is for applicants to do a particular job and you either have the skill set or you do not. Judges are required to produce written work of a high quality, on short notice, as well as clear and logically reasoned extemporaneous decisions. That is the job that they are applying for and that is what the tests are designed to assess.

Our trial Bench is not highly specialized and we do try to recruit, as far as possible, persons with a broad, general knowledge of the law and superior analytical skills. And while the logic part of the exam may have been pooh-poohed by some members of the Bar and the public as being "elementary" it was a source of consternation to us how many applicants could not get basic questions correct. Logic is a key component of legal decision making and it is examinable.

I also do not agree that the dignity of applicants is somehow compromised by requiring them to attend an assessment centre. Lawyers aren't special, although we like to think so. That is a practice common in senior executive recruitment. Lawyers, I am afraid, have no corner on integrity. If you do not have the humility to come and submit yourself to an exam, then you are lacking a key competency for the job.

With regard to written samples of work, why would it be thought that advocates at the Criminal Bar would be disadvantaged by this requirement? Much of the work of modern courts is facilitated by the provision of written submissions, particularly at the Appellate level, so any candidate of sufficient experience should have a sizeable body of written work. I reiterate, the job of a judge requires superior writing skills. For my part, I believe the time has come for a specialized training college for judicial officers prior to judicial appointment as pertains in many civil law jurisdictions, and it is a conversations that I intend to pursue with relevant stakeholders in the near future.

Turning next to the question of consultation with the Law Association. There used to be a time when the Chief Justice would have a quiet gentlemanly chat with senior members of the profession about the merits of prospective candidates. Not only does that collide with the stated

objective of transparency, there is no way that such a process can then be insulated from political lobbying. The sad fact is that, in the past, some candidates who assumed that discreet enquiries and confidential feedback were the norm have discovered that their applications and perceived deficiencies were being discussed in inappropriate fora and even by junior members of the profession. As far as I am concerned, apply, let your referees justify their recommendations and we will assess you fairly.

Time does not permit a more detailed discussion today, but I hope that what I have to say is clearly understood as not coming from a place of rancour. I know and I fully understand the disappointment if you or a candidate in whom you repose confidence or whom you support does not make the cut, but the profession is much larger than it used to be. Selection for judicial appointment is by way of a competitive process and it impossible for any of us to know personally the merits and demerits of any prospective appointee or to determine same except by a clinical, objective and transparent assessment process. So do please permit the JLSC to do its job.

Just a couple more points before I move on. There is the curious observation that the Committee does not share the view that candidates for the Bench should be drawn exclusively from advocate attorneys with many years of practice in the courts. I am not aware of any knowledgeable commentator who thinks that we should only recruit advocates. We have had many outstanding judges who practiced as solicitors before being elevated to the Bench. What puzzles me is that having regard to the fact that we have had a fused profession for three decades and the minimum criterion for appointment to the High Court Bench is 10 years' call, is the assumption that instructing attorneys should need to learn or relearn courtroom etiquette and practice. I do agree that all judges should be exposed to a structured orientation programme, and there is informal mentoring already in existence in the Judiciary, along with a short formal orientation. But, since we are discussing constructive suggestions perhaps the Law Association could assist by helping to make compulsory continuing education for lawyers a reality, including training in the relevant skills identified such as management of people and resources so that we have a better prepared pool of applicants from which to make our selections. Continuing education, including repeated training in all of the skills required for effective and efficient judging, has been a standard facet of the Judiciary for the past two decades.

I also have no difficulty with increasing the mandatory retirement age for judges or affording the option of "supernumerary" status upon attaining a specified age as this would facilitate the retention of good talent subject to good health. The use of temporary appointments to the Bench is also a very useful option, although, perhaps not as attractive at it might seem to most candidates who have a busy practice and I suggest it is entirely consistent with the historical rationale for restriction on practice at the Bar for permanent appointees after demitting office. We can't really eat our cake and have it too.

The idea that somehow a former judge who returned to practice at the Bar would exercise undue influence over his/her former colleagues is simply not in keeping with reality or the practice in many developed countries and, frankly, it is a little bit insulting to the sitting judges who are very independent.

What needs to be done, for now, is to ensure a rigorous selection process and to make the remuneration package attractive for the top talent at the Bar and I do welcome constructive input on both issues.

While I am sensitive to current economic realities, we cannot continue to pay judges at 2005 basic salaries in 2018 and then complain that suitable people don't want to apply. None of us is really in this for the money, but I suspect that many of my colleagues would have thought twice if 13 years ago they knew how events would unfold. The sacrifice has become quite extreme and yes, we undertake it voluntarily, but given the propensity in this society to abuse anyone who chooses to serve in any public office, it's challenging. What you certainly don't want are people who are merely attracted to the perceived power and prestige.

And, finally, I do agree that there is a need for appropriate performance assessment measures and intermediate disciplinary sanctions, short of outright dismissal where circumstances warrant. Careful consideration should be given to a disciplinary council whose procedures would ensure due process while maintaining public trust and confidence.

To summarise, therefore, while I am in agreement with some of the observations of the Law Association Committee and disagree with some, there is nothing there that is new to the debate. What we continue to suffer from in this country is an implementation deficit and an under-resourced judiciary and JLSC, plain and simple.

I have also made the point on previous occasions that the job of Chairing the JLSC has, like the Public Service Commission, become a full-time job in its own right. The JLSC needs to be supported by a fully staffed secretariat and have a judicial as well as an executive arm. I have neither the need nor the time to micro-manage the appointment, leave, acting arrangements and discipline of the hundreds of attorneys in the executive branch, whose work I do not supervise. By contrast, many non-legal Judiciary staff fall under the Public Service Commission, with all the attendant logistical and management challenges that poses, despite the excellent comity that exists between the Service Commissions and their heads. In short, what we need, ladies and gentlemen, is urgent reform.

Permit me to turn next to an account of our stewardship over the past year. I do not intend to regale you with detailed numerical statistics. Those are available online and in digital format at the conclusion of this address as part of our commitment to accountability. What I will do instead, is spend the next few minutes on a summary of a few of the strategic initiatives that have been undertaken in consonance with our overall drive to improve service delivery through process reform, while also giving some indication of what you can be expect for the coming year.

CHILDREN'S COURT

I start with the Children's Court.

Subsequent to the passing of legislation establishing the Family and Children Division of the Supreme Court, and in accordance with our strategic emphasis, a major accomplishment this past year was the successful operationalisation of the Children Court in two locations in Port of Spain and Fyzabad. This achieved the dual objective of providing a more appropriate, child friendly service for our children in need of protection or who have fallen afoul of the law, as well as, easing the burden of criminal matters in the magistracy. Demand has far outstripped expectations, and in the first six months of operation 1085 matters have been dealt with.

COURT CASE MANAGEMENT SYSTEM

The promised CCMS, Trinidad and Tobago Judicial Information Management System, branded internally as TTJIM, was also brought online and has proved to be effective and user friendly. As indicated in previous addresses, a CCMS can often present as a large capital and recurrent expenditure to judiciaries owing to costs for licensing, modification and development,

as well as, associated continuing usage licenses. So, with the guidance and assistance of the National Centre for State Courts, the CCMS was developed and tested. As of February 2018, TTJIM was launched and is currently being utilized by the Children Court in the Family and Children Division of the High Court.

The system has the following level 1 features and capabilities:

It's a distributed system;

It facilitates searches and creates case information on cases for all of the courts;

It allows for case numbers to be automatically generated based on the location, case type and year;

And incorporates the standards required to reflect the UNODC code which categorize charges which are mapped in conjunction with our Trinidad and Tobago equivalent charges;

It can automatically generate and fill over 100 court document template forms for the court;

It allows for the assignment of workflow tasks by user and the capability to monitor the completion of assignments, and allows the Court to better understand and control its workload;

It uses a sophisticated electronic document management system for storage and future digital signature and public access functionality;

And facilitates the timely statistical reports to support decision-making.

TTJIM is currently being developed further for expansion into the Magistrates' Court, and will be rolled out to the Magistracy in phases, beginning with the Criminal and Traffic jurisdiction in the first quarter of the 2018/2019 fiscal year. Some of the factors that currently affect the Magistrates' Courts' performance are antiquated systems; poorly designed information systems; an output-focus, as opposed to a customer-focus; increased litigation; and, of course, resource constraints. Those factors impede access to justice, timely and expeditious hearings and, ultimately, public trust and confidence in the administration of justice.

Case information at the Magistracy is predominantly unavailable real-time, which has caused problems as we know, and case management at many courts involves tedious manual

procedures. Data fragmentation and a lack of standardization make collating and analysing data for performance monitoring and tracking case progress tedious. Customers wishing to obtain case information must provide their last hearing date for court staff to locate the Magistrate's court sheet, note-taker's book or the Complaint Form to begin to retrieve information. Similarly, to obtain an extract of past proceedings, customers must provide their last hearing date and return after many days for collection. TTJIM will allow persons, with legitimate business before the court, to easily access information, track the status of their proceedings and obtain extracts within a reasonable time period.

The Judiciary's programmers were guided through a mentorship programme with the National Center for State Courts and are currently building the TTJIM Criminal CCMS. Since it has been built and used in the Criminal Courts, there is a natural expansion into the adult criminal arena, and in order to manage the change expected by the roll out of the new CCMS in Tobago, San Fernando and the implementation in the remaining 11 Magisterial Courts, visits were conducted to each court registry to engage with Clerks of the Peace, registry staff and record keepers. Under the instruction of the Chief Magistrate, to date we have visited three (3) Magistrates in Tobago, San Fernando and Sangre Grande, and stakeholder engagement and face-to-face interaction is expected to continue in the first quarter of this fiscal year.

Full roll-out will facilitate the implementation of a docket system and vastly improve efficiency in the Criminal Division of the High Court which is coming in the near future. Simultaneously, the Judiciary is working towards implementation of the amendments to the Motor Vehicle and Road Traffic Act. As a collaborative project, it involves the Ministry of Works and Transport, the Ministry of Attorney General and Legal Affairs, the Judiciary, the Trinidad and Tobago Police Service and other key stakeholders working together to implement components of a new fixed penalty traffic ticketing system.

The Judiciary, as a critical stakeholder in the implementation of this new system, will introduce the traffic court module to TTJIM. That new system is a high impact initiative where a large number of stakeholders, mainly motorists, stand to benefit directly from improvement in the judicial administrative process. At present, the requirement to pay traffic tickets at courts within the jurisdiction where the offence has occurred, places an onerous responsibility upon the

courts, as significant administrative time and resources are exhausted. This negatively impacts the Judiciary's core adjudicative function, and also places a burden on and inconvenience to motorists who are required to pay fines at a court.

Statistics compiled for the period spanning the last five years from 2013/2014 to the past law term at the various Magistrates' Courts, reveal that of the average number of new magisterial cases which stands at about 136,000, the majority or 56% are traffic related. Recent data generated for the just concluded Law Term show that the total number of new cases filed was 165,154 and of those 102,875 or 62% are traffic matters. They, traffic matters that is, also recorded the majority of matters disposed of, 55% or 45,883. So based on these data trends, traffic matters, when included in the court system, tend to skew the total number of new matters filed and disposed of at the various Magistrates' Courts at the expense of other judicial work, in particular, petty civil courts, as well as criminal trials.

Under the new traffic system there will be a greater connectivity among the Judiciary, the Police, the Licensing Authority and other key stakeholders. Traffic matters will be scheduled on the court list only when motorists chose to contest a ticket or video recording. Court orders made by the Magistrate will be sent to a Traffic Enforcement Centre Unit and the motorist or vehicle owner for appropriate action. Magistrates, of course, will continue to hear and determine or dispose of cases filed in court prior to the proclamation of the Amendment.

TTJIM, criminal and traffic, will commence with basic case management functions, assignment of cases to Judicial Officers, generation of notices and report creation to facilitate compliance monitoring and administrative decision-making. The system is being designed to provide statisticians and analysts with easier access to data, and will thereby contribute to the improved measurement and analysis of performance against key performance indicators. The system will provide standard reports, which will inform on the time it takes to process cases; whether the court is keeping up with its incoming caseload; the magnitude of the backlog, if one exists; the frequency at which cases scheduled for trial are actually heard when scheduled, and other performance indicators, so that we can make effective management decisions.

The implementation of TTJIM throughout the Magistracy over the next fiscal year will improve our ability to supervise time and events from the beginning of cases to their finalization. Its ability to automate case flow will provide crucial information to trace and track cases and afford the opportunity to measure our performance in the areas of access to justice, expedition and timeliness, equality, fairness and integrity, independence and accountability and public trust and confidence.

COURTPAY: MAKING PAYMENTS EASIER

Now, traditionally, the system for paying monies into the court, pursuant to a Court Order or Rules of Court, involves persons visiting the court building to deposit and receive cash. This system is fraught with challenges for the court's customers, including having to take time off work with the risk of losing wages, uncertainty as to whether monies are available for collection and standing in long lines, a reality that contributes to overcrowding and in turn further exacerbates the level of discomfort for all court users. Customers also face the indignity associated with having to conduct personal family business publicly; having to pay transportation costs to get to court, sometimes repeatedly, or having to find and pay for parking. There is also the risk of being unable to complete a transaction and having to return if the cashier is absent or at lunch and having to visit the courthouse to get updates on payments or receipts.

Additionally, with crime pervading all sectors of society, there is a serious safety risk to staff and members of the public conducting business at the courts. In short, the historical manual processes related to making and receiving payments are an unsatisfactory way of delivering quality service to our customers. In addition to being inconvenient and an undignified experience, it impacts access to justice, is procedurally weak, not expeditious, unreliable and ultimately unfair.

So, after a robust procurement process, service providers were selected to develop a solution that would facilitate online or electronic payment into and out of court, together with accurate and proper reporting mechanisms and so, CourtPay was born. Implementation of this solution required process mapping, re-engineering, software design and development, hardware acquisition and implementation, as well as extensive staff training and customer education. We also sought and received the required agreement from relevant public sector financial agencies.

The Judiciary launched CourtPay on March 9th 2018, starting at the Family Court, and currently, CourtPay is an electronic system that has been introduced to provide a safe, accessible and convenient means of transacting maintenance payments with the bank as the financial agent of the Court. Once the parties opt to use CourtPay as the method of receiving or making a maintenance payment in the Court matter, they must register at the court for CourtPay and receive their sign-in credentials to access the solution after leaving the building. Customers of the Family Court required to make payments through CourtPay do so using a Top-up voucher purchased at any lotto booth, a LINX or credit card, or via standing order.

With this new system in place, we are now serving the "under-banked" customer and those who may be arguably deemed "un-bankable" due to stringent FATF requirements, and they can also pay and receive maintenance monies electronically without going to the court building. Recipients with or without bank accounts can receive monies through their personal bank account or using a "pay-out card", which is similar to a debit card.

I am spending a little time on this because I want to give you an idea of where the Judiciary is going. Contrary to concerns expressed in some quarters, there is nothing illegal about the small service fee paid by users, which is similar in concept to that paid by anyone using LINX or other comparable systems. Access to the service, at the moment, is entirely voluntarily by a Consent Order before the High Court, which is the authority for the collection of the fee.

Frankly, I am sometimes astounded by some of the comments that emanate from persons who simply do not seem to understand how the country is run. I see doubles vendors taking LINX now, and so how in heaven's name could the setting up of judiciary accounts to collect and account for fines and fees that we impose be a breach of the separation of powers? The Judiciary has always been a revenue-collecting centre and a very responsible one at that. Our responsibility doesn't end when a judicial officer makes an order; it has to be policed and enforced. Since the Privy Council Judgment in **Kirvek**, the Judiciary has been required to establish and maintain an investment unit for monies paid into court. We seize property, we conduct auctions, so please, before you tell us how to run the place it might be helpful to educate yourself on what it is that we do.

I really think that it is defamatory of our Court Executive Administrators, one of whom

now sits on a superior Court of record, to propagate the untruth that we have not submitted reports to the Auditor General for the last five years and then not offer an apology when the error is pointed out. I must congratulate Senior Counsel, Ms Chote, for acknowledging her error when it was drawn to her attention and I do ask the Law Association to publicly do the same. When in doubt, it's good to ask.

The CourtPay service commenced on 4th April 2018, and as at 31st August 2018, there have been 320 cases where Orders were made to utilize CourtPay and 921 transactions recorded. Interestingly, as an example of demonstrable improved access and business continuity, after the recent earthquake, when court buildings were temporarily inaccessible, the only persons able to receive maintenance were those who were already registered for CourtPay. CourtPay is an example of process reform aimed at increasing efficiency and service delivery, as well as, improving safety, accessibility and convenience.

We are moving towards removing the need to have cash at all court locations by employing CourtPay systems for all cash transactions, so the Judiciary therefore looks forward to the following:

> Legislation to facilitate e-payments in all courts, including magistrates' Courts for maintenance;
>
> Legislation to enable convenient methods to make all payments into court in all matters;
>
> For attorneys-at-law and law firms and State agencies having access to pay practicing fees online, to pay court filing fees online, to support e-filing using LINX, credit card or Judiciary issued debit cards. For online payment methods for specific documents and fines being paid online or through a bank.

One of the exciting challenges of managing reform in times of financial stringency is that we are being forced to become more and more efficient and innovative. It doesn't have to cost a lot of money. CourtPay was introduced at a cost, from conceptualization to delivery, of less than TT$100,000.

ONLINE PROBATE SEARCHES

As may be apparent from what I have been saying, we are determined to leverage

available technologies to improve efficiency and reduce cost. As promised last year, the first fifteen Rapid Text Entry Specialists have been trained in Digital Voice Transcription and another cohort begins in October. Among some of the other improvements introduced in the past year were the introduction of online Probate searches with a guaranteed maximum turnaround time of three days, and by this time next year we expect to have full e-lodging and processing of probate applications and queries, including an online template for pro-se applicants. All of this is in keeping with our movement to a complete, fully integrated E-Filing platform across the whole judiciary.

Our HR processes are also being modernized and we are now doing recruitment online from application to initial screening and assessment. And so, before the end of this law term you can also look forward to fundamental reform in the Petty Civil Court, which will be re-branded as a Small Claims Court.

Before concluding my address I must pay tribute to the judicial officers and support staff of the Judiciary who have laboured unstintingly over the past year in the face of sustained onslaught from within and without to provide service to the people of this nation. I want to pay special tribute to Senior Magistrate Annette Mc Kenzie who, sadly is no longer with us. She gave most of her working life and then her retirement to the Judiciary. Condolences are renewed to her family, along with expressions of gratitude for her many years of dedicated service. But I mention her as an example of what is typical in the Judiciary and what people often aren't aware of.

I know that there is always room for improvement, but contrary to the misconception that is being propagated in some conventional and social media, the majority of us remain energized and committed to our purpose. One always risked offending someone else when any group or individual is singled out for praise, but I do want to pay particular tribute to the judges who sit in the criminal courts for the initiative undertaken over the recent vacation to address the backlog of criminal cases. Not only did they dispose of over a dozen matters by trial or plea, but we had 155 persons coming to court for status hearings, maximum sentence indications and case management directions, and we are now poised to make a massive dent in the backlog by the end of the calendar year. That is the kind of commitment that the media never writes about

and the unsung commitment that keeps me encouraged to believe that a brighter future lies just around the corner.

As we speak, there is a whole suite of legislation before the Parliament that will help us to operationalize many of the changes that we have been clamouring for over the past decade. Please take some time to look at the programmes and statistics that are detailed in the Annual Report. I am sure that you will agree that we have nothing to be ashamed of and every reason to be encouraged.

Finally, permit me to thank everyone who has helped to make the past year and today's proceedings a success. Our judges, magistrates, masters, registrars, administrative and security staff, our cleaning staff, MTS, the Defence Force for their wonderful display this morning, our celebrant ministers, the Mayor for hosting us at City Hall, our guest speaker, Mrs. Mahabir-Wyatt and, of course, the angelic voices of the Fatima Boys' Choir were a great inspiration. And last, but not least, I want to thank you our viewing and listening audience, without whom all of today's proceedings would have been pointless.

May God bless you all, and may God bless this great Republic of Trinidad and Tobago.