



Date: 14 August 2014
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Governor Swears in New Court of Appeal Judge

Sir George Newman was sworn in on Monday (11 August) by HE the Governor Helen Kilpatrick, CB, as a Justice of the Cayman Islands Court of Appeal. He assumes the seat vacated in May by retiring Appeals Court Judge, the Rt. Hon. Sir Anthony Campbell.

Sir George brings a wide range of experience both as an advocate and as a judge.

As an advocate, he was involved in constitutional law cases in the Privy Council, dealing mainly with challenges under the constitution against the governments of various Commonwealth jurisdictions. These came from all over the Caribbean and from places such as Hong Kong, Singapore, Malaysia, Brunei, and Fiji. He also appeared as an advocate in the majority of regional Commonwealth jurisdictions, including Jamaica, Trinidad and Tobago, Antigua, St. Kitts, and Bermuda.

Sir George was first appointed to the bench in 1995, when he became a High Court Judge in England & Wales, serving in the Queen's Bench Division. There he dealt with a wide variety of work involving serious crime. In particular, he heard administrative law challenges by way of judicial review of government actions.

On his Cayman appointment, Sir George, on his first visit ever to Cayman, this week said: "I feel very happy that I am able to be here because I see it as part of a continuous passage of being involved in the rule of law in the Commonwealth and, in particular, the Caribbean."

Welcoming Sir George, Chief Justice Anthony Smellie said: "It is a great pleasure to welcome Sir George Newman to the Cayman judiciary. The wealth of experience that he brings from around the Commonwealth, both as a leading advocate and judge, will certainly help to maintain the high reputation of our Court of Appeal. I hope that he and Lady Hilary will enjoy their times spent in Cayman."

Sir George's extensive role as an advocate arguing human-rights-related constitutional cases is of particular significance in Cayman with human rights cases emerging as an important area of local adjudication.

With regard to constitutional law in general, Sir George's experience in Fiji included dealing with the aftermath of the first coup in that country, in 1987; later he represented the Governor General in the territory's second coup. Between 1987 and 1990 he was constitutional adviser to Fiji's Governor General, who later became president. During that period he was responsible for

drafting Fiji's interim constitution and laws setting up a constitutional regime that established a republican government under a prime minister and with an associated government structure.

Sir George's expertise in resolving legal matters in the constitutional and political arenas was similarly recognized in some similar work within the region. After an attempted coup in Trinidad, he acted and advised in court proceedings in the aftermath of the violence there.

In further regional experience, this time as a judge, the new Cayman Islands Court of Appeal judge served as a non-resident judge of the Court of Appeal of the Bahamas, to which he was appointed in 2009. His busiest year, he said, was in 2010, when he sat for a total period of a third of the year.

Other interesting experience Sir George brings with him is service as "Surveillance Commissioner (Home Office)," a role in which he continues since his appointment by the British Prime Minister in January 2010. As Surveillance Commissioner, Sir George is responsible for judicial scrutiny of law enforcement operations involving serious crime such as terrorism. The aim of these enquiries is to ensure that law enforcement procedures are not disproportionately or unnecessarily intrusive of individual privacy and human rights.

Another concurrent role is his service as Chair of the Security Vetting Appeals Panel, based at the UK Government's Cabinet Office. Appointed by the Prime Minister in February 2009, Sir George deals with appeals from persons such as civil servants and law enforcement personnel refused security vetting and consequently not able to have access to classified, security material. These appeals are important as such refusals can have serious implications for the careers of such persons.

Sir George is also responsible for Iraq fatality investigations, a role to which he was appointed by the UK Ministry of Defence. He is currently conducting two investigations into the circumstances of civilian deaths allegedly caused by actions of British troops in Iraq in 2003.

In the area of commercial law, a specialisation of Sir George's, his experience includes instruction in the banking dispute arising out of President Carter's freeze on Iranian banks in London, and in the International "Tin Council" litigation. Internationally, he has acted in arbitrations as counsel for various foreign governments, such as the State of Qatar, in a Gulf oil dispute, and an arbitration concerning the security of Qatar's border technology, and for the People's Republic of China in a commercial arbitration in Stockholm. He has also acted as an arbitrator in London, Singapore and Stockholm in commercial disputes involving both foreign states and commercial entities.

Reflecting on his career, Sir George said simply, "I have had a wonderful career."

Sir George's wife, Lady Hilary, an Oxford graduate, is an educator in a teaching career that included serving as head of history at a major public school. She served as a magistrate for over

twenty years and was a founder and supporter of the victim support scheme in East Sussex. She has been a Governor of two major schools in Kent.



HE the Governor Helen Kilpatrick congratulates Sir George Newman, following the swearing-in ceremony on Monday (11 August). From left are: Justice Elliott Mottley; Ms. Audrey Bodden, Registrar of the Cayman Islands Court of Appeal; Lady Hilary Newman; Sir John Chadwick (President); the Governor and Sir George. Chief Justice Anthony Smellie is at right.



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