

**ADDRESS OF DAVID COLLINS ON THE OCCASION OF THE
OPENING OF THE GRAND COURT ON 16 JANUARY 2019 GIVEN ON
BEHALF OF THE CAYMAN ISLANDS LEGAL PRACTITIONERS ASSOCIATION**

My Lord Chief Justice, Hon. Judges of the Grand Court, Hon. Chief Magistrate, Hon. Magistrates, Mr Attorney, Madam DPP, my colleagues at the Bar, our Special and Distinguished Guests, Ladies & Gentlemen

If it may please my Lord.

I am delivering this address on behalf of the Interim-President of the Cayman Islands Legal Practitioners Association, Mr. David Collins. Mr. Collins sends his apologies, as he is overseas on business and unable to deliver this address in person.

My Lord, this first address on behalf of the Cayman Islands Legal Practitioners Association is a landmark moment for the legal profession. This is the first time that the Cayman Islands legal profession is represented by a single, unified and inclusive body, the Cayman Islands Legal Practitioners Association – known as “CILPA”. The establishment of CILPA is a bold statement of intent from the legal fraternity. It signals the first step towards the legal fraternity’s commitment and readiness to move forward as an inclusive and united legal fraternity. A legal fraternity aiming to work together to overcome the many challenges facing the profession and to enhance our jurisdiction on the global stage. I would like to use this Address to focus on this new opportunity, and what CILPA can achieve, working with the Government and other stakeholders.

Cayman Islands Legal Practitioners Association

My Lord, the legal profession in Cayman is evolving at a rapid pace. This evolution is reflected in the continued growth in the number of lawyers practicing Cayman law, now more than 800. Importantly, it is also evidenced by the increasing number of Caymanians entering the profession, the entry of leading international law firms into Cayman, the increasingly complex regulatory environment that lawyers face and the unique challenges

facing sole practitioners and smaller firms. This rapid evolution presents challenges and opportunities for the profession. Challenges and opportunities that will only be met by a united legal fraternity. A legal fraternity represented by a diverse and inclusive legal association that speaks with one voice. One that uses its resources to meet the challenges, and capitalize on the opportunities, presented by the evolving legal landscape. That association is CILPA.

The creation of CILPA is itself essential to the evolution of the profession in Cayman. To support the profession through this evolution, CILPA must operate in a different way from its predecessor associations. It must be developed to function as a self-sustaining legal association. An association with an annual operating budget, its own premises and full-time staff driving forward initiatives of importance to the profession with the support of its members. Through this model, CILPA will be able to advance the interests of lawyers, the profession and the jurisdiction in this evolving legal landscape.

As a new association, CILPA is taking its first steps. These steps include its membership drive, securing initial funding and planning its first elections. At these elections, CILPA members will give a new democratically elected council a mandate to move forward to address many of the challenges that we now face.

CILPA provides a unique opportunity for a united legal fraternity and the Government to work together to achieve our shared aspirations for a thriving self-regulated legal profession, to support the development of Caymanian lawyers within law firms, to strengthen our local economy and enable our jurisdiction to reach new levels of prominence as the leading offshore financial services centre.

Issues of Concern within the Profession

My Lord, CILPA has been engaging lawyers on issues of concern within the profession. In these discussions, three issues consistently recur as being of paramount concern to lawyers. The first of these is the need to establish a framework for the development and progression of Caymanian lawyers within law firms. The pool of talented Caymanian lawyers and trainees is larger than ever, and it is in the interest of the jurisdiction and of

law firms to continue to recruit, develop and progress Caymanian lawyers. Secondly, the need to ensure that our financial services product retains its preeminent position on the global stage. Cayman Islands law is a key component of our financial services product, and is one of the jurisdiction's main exports. Its success on the global stage is critical to our economy. Finally, providing an appropriate level of self-regulation of the profession, that includes a Code of Conduct that every member of CILPA commits him or herself to, and is bound by. This provides a significant level of assurance to the public, and the international clients of the jurisdiction who rely on our legal services. Achieving these high-level objectives will go a long way toward strengthening our jurisdiction's position as a leading financial services centre, supporting the careers of Caymanian lawyers and to unifying the local legal fraternity.

My Lord, I would only note in passing that these three issues that I have highlighted as being of concern to lawyers are issues that can be addressed by the passing of a new Legal Practitioners Bill. I am encouraged by recent remarks from the Premier on the floor of the Legislative Assembly in November last year, signaling the Government's willingness to engage on the passing of a new Legal Practitioners Bill. The Premier has rightly said that a new Bill must have the support of the majority of Caymanian lawyers. In those same remarks, the Premier also cautioned that no Bill would be "perfect". I want to use this opportunity to echo and endorse those remarks.

Sole Practitioners and Small Firms

My Lord, much of CILPA's early discussions have been with lawyers at smaller firms and sole practitioners. These lawyers play a vital role in our jurisprudence. It is apparent however that many of them are struggling. They are disproportionately subject to the pressure of ever increasing costs of doing business, of effectively marketing their services and the limitations of our legal aid regime and rates. They also need increasing support with training and development in order to navigate the increasingly complex regulatory environment.

CILPA recognises the challenges that sole practitioners and lawyers in small firms face. CILPA must ensure that they have a voice within the association, that their interests are considered and that advocating on their behalf remains central to its mandate. In order to ensure that their voices are heard, CILPA's constitution requires that two of the seven Council members must be from small firms or sole practitioners. But advocating on behalf of sole practitioners is not simply about ensuring their representation on CILPA's council. It is also incumbent on small firms and sole practitioners to actively participate in CILPA. A diverse and unified professional association in which sole practitioners actively participate will be better placed to support sole practitioners and lawyers within small firms.

Consultation on Proposed Legislation

My Lord, CILPA welcomes the opportunity to be actively involved in meaningful consultation on proposed new legislation. Your Lordship will no doubt recall the long list of Bills brought to the floor of the Legislative Assembly late last year. Many of these Bills address complex global regulatory initiatives that will profoundly impact our financial services sector, and will shape our economy in the years to come. It is critical to the rule of law and the long-term success of our jurisdiction that the Government ensures adequate time for a fulsome public consultation on proposed legislation. We encourage the Government to restore meaningful public/private sector cooperation on proposed new legislation, and CILPA stands ready to play its part in the consultation process.

Cayman Islands Listings

One area of increasing importance to the legal profession and our clients is the ability to list securities on the Cayman Islands Stock Exchange. Our listing product has been a success for the jurisdiction, and the hallmark of that success has been the speed at which securities can be listed, and the efficient and flexible approach adopted by the CSX. Continuing to improve the speed and efficiency of the listing process would be a welcome development and would send a positive message to clients of the jurisdiction.

Truman Bodden Law School

My Lord, I would like to reaffirm CILPA's commitment to continue the tradition of the Caymanian Bar Association and the Cayman Islands Law Society of working closely with the Truman Bodden Law School and continuing to provide pro bono resources for the development of a legal education in the Cayman Islands.

Bereavements

I should also make mention of the passing of Arthur Hunter, OBE. Mr. Hunter was a pioneer of the legal industry in Cayman. A well-known and loved member of the legal fraternity and of the community, he passed away in November last year. Mr. Hunter worked tirelessly throughout his career and was instrumental in establishing Cayman as the thriving international financial centre it is today. He established the law partnership of Hunter & Hunter and was an active Rotarian and a founder of the Cayman Islands Law Society. He will be greatly missed, and we send our condolences to his family, many friends and colleagues.

Officers of CILPA. I would also like to take this opportunity to thank specifically the Council members of CILPA: James Bagnall, Erik Bodden, Kendra Foster, Huw Moses, Alasdair Robertson and Neil Timms for their valuable contribution to CILPA since its inception.

Administration of Justice. I would also like to thank to all those individuals who have contributed to the smooth running of our Court system over the past year.

Now it remains only for me formally to second the Honourable Attorney General's motion to open the Grand Court for the year 2019 on behalf of the Cayman Islands Legal Practitioners Association, and to take this opportunity to wish Your Lordship, Judges, court staff and fellow members of the legal profession a very happy and prosperous New Year.

David Collins

Interim-President, Cayman Islands Legal Practitioners Association

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