



ADDRESS OF DAVID COLLINS

PRESIDENT OF THE CAYMAN ISLANDS LEGAL PRACTITIONERS ASSOCIATION

AT THE OPENING OF THE GRAND COURT ON 15 JANUARY 2020

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

If it may please my Lord.

My Lord, my address at the opening of the Grand Court last year focused on what CILPA can achieve for our profession. Today is an opportunity to share what CILPA has in fact achieved in the past year. During this period, CILPA has greatly enhanced its organizational capabilities. We have also advanced a number of important projects on behalf of the legal profession. I want to use the occasion of this Grand Court opening to raise awareness of CILPA's contribution to our profession over the past year, and bring attention to the significant challenges that we now face. Central to these challenges is the critical issue of Legal Services Reform.

Development of CILPAs Organizational Capabilities

Firstly, My Lord, on the development of CILPAs organizational capabilities, I am pleased to report that CILPA has united the vast majority of attorneys in one industry body. Approximately 90% of all practicing attorneys are now CILPA members.

Secondly, CILPA held its first AGM at which more than 400 attorneys voted to elect a new CILPA Council. My Lord, this represents the largest ever turnout of attorneys at an AGM in the history of our profession. This election illustrated the renewed engagement of attorneys on the important issues facing our profession, and their support for CILPA to lead our profession in addressing these issues.

Finally, CILPA engaged a broad group of attorneys to work to address these important issues, which include AML supervision, legal education and the Legal Services Bill.

Legal Services Reform

My Lord, the good work of CILPA members on these issues is part of a wider Legal Services Reform initiative. This initiative is essential for the continued success of our profession, our wider financial services industry and our jurisdiction. In advancing this initiative, CILPA worked on two significant projects last year. First, the establishment of a new supervisory body for attorneys. Second, the draft Legal Services Bill.

My Lord, the common theme in both of these projects is Regulation. Cayman Islands legal services will only continue to thrive as a successful global product if it is regulated in line with international norms. The minimum standard of regulation required is AML supervision of attorneys, a mandatory Code of Conduct and a Disciplinary Regime.

Our profession must have these if we are to meet the expectations of international regulators and maintain the confidence of our clients.

I am pleased to report that CILPA has made significant progress on Legal Services Reform. Firstly, on the issue of AML supervision of attorneys, CILPA established the Cayman Attorneys Regulation Authority as the new AML supervisor for attorneys. The Authority is fully operational and staffed with recruits of the highest calibre. It benefits from the oversight of an independent board of non-lawyers. CILPA's work in establishing this new Authority will go a long way to satisfying the recommendations of the CFATF Cayman Islands MER. The Authority will also give clients confidence in the AML regime applicable to Cayman Islands attorneys. Secondly, on the issues of Conduct and Discipline of attorneys, I am pleased to report that CILPA worked with the Attorney General's office on the draft Legal Services Bill. If enacted, this draft Bill will enhance our credibility as a regulated profession. It includes a Code of Conduct and a Disciplinary Regime. My Lord, it is essential that I take this opportunity to communicate clearly with all stakeholders – the Cayman Islands will only be able to deliver the regulated legal services product that our clients and international regulators expect by enacting the draft Legal Services Bill.

My Lord, ensuring that our profession is appropriately regulated is only one aspect of CILPA's work on Legal Services Reform. I am pleased to report that the draft Legal Services Bill also ensures that Cayman Islands law remains accessible to Cayman's international clients, reduces the cost of doing business for small firms, provides a mandatory training regime for all attorneys and delivers a framework to support the development and progression of Caymanian attorneys within law firms. And I want to be clear – our legal services market will only be sustainable in the long run if we have suitably

qualified and developed Caymanians in key management and leadership roles within law firms.

My Lord, on behalf of the 650 attorneys who are CILPA members, and the many thousands of persons employed in the financial services industry who rely on the success of Cayman Islands legal services, I am asking your Lordship and all stakeholders to join with CILPA in asking the Government to bring the draft Legal Services Bill to a vote on the floor of the Legislative Assembly. It is now time to turn the page and start a new chapter in the evolution of our profession.

Bereavements

My Lord, in 2019 the legal fraternity mourned the passing of attorney Kirsten Houghton, Justice Charles Quin QC and journalist Carol Winker. Ms. Houghton was an admired member of the legal profession, known as an outstanding attorney. Justice Quin QC was an integral member of our legal community and a past president of the Cayman Islands Law Society, one of the bodies from which CILPA was formed. Ms. Winker made a significant contribution as a respected journalist, renowned for her reporting on Cayman's courts. Ms. Houghton, Justice Quin QC and Ms. Winker were beloved members of the legal fraternity. They will be greatly missed. We send our condolences to their family, friends and colleagues.

Expressions of Gratitude

My Lord, I want to thank the members of our profession who contributed to CILPA's work on the important initiatives which I mentioned earlier. They include the Council members

of CILPA: Richard Barton, Erik Bodden, Wanda Ebanks, Cline Glidden, David Ritch and Alasdair Robertson. In addition, those attorneys who contributed to CILPAs work on AML supervision: Kendra Foster and James Kennedy. Those attorneys who contributed to legal education and training through the CILPA Seminar Series: John Dykstra and Neil Timms. And finally, my Lord, the attorneys who worked alongside the CILPA Council on the draft Legal Services Bill: Deborah Drummond, Bryan Hunter and Rosie Whittaker-Myles. I also wish to extend a warm note of thanks to the Honorable Attorney General, for his support for our profession, and to his staff for their outstanding work on the draft Legal Services Bill. Finally, thank you to the court staff for their contribution to the running of our Court system over the past year.

Now it remains only for me to formally second the Honourable Attorney General's motion to open the Grand Court for the year 2020, 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

President, Cayman Islands Legal Practitioners Association