

**ADDRESS OF COLIN McKIE K.C. ON THE OCCASION OF THE OPENING
OF THE GRAND COURT ON 8 JANUARY 2025 GIVEN ON BEHALF OF
THE CAYMAN ISLANDS LAW REPORTS**

If it may please my Lady, protocol having been established,

I am privileged to be able to support the motion to open the Grand Court for the year 2025, and to provide these brief remarks as consulting editor of the CILR.

We take this opportunity to look back and to look forward.

Access to Justice

Looking back, I reviewed the addresses presented last year. In your thoughtful remarks you identified the shortcomings in the infrastructure of the Court Estate. I reflected upon the physical facilities needed by those who suffer from disabilities.

In 2016 Parliament enacted the Disability (Solomon Webster) Act.

The Act confirms the right of access to justice (including physical access to Court facilities) to persons with disabilities, be they judge, court officer, member of a jury, witness, attorney, court reporter, party, client, or member of the public.

Much of the Court Estate pre-dates the Solomon Webster Act. Impediments to physical access for persons with disabilities to the court and court proceedings are manifold which may operate to exclude them from participation. By way of example:

- Disabled persons using wheelchairs. One only has to look around this courtroom, and to recall our arrival today, to see the challenges that a person in a wheelchair would face to find parking, to enter this courtroom,

to sit with other jury members in the jury box, to be in the dock, or to sit at the Bar table. In this building there are no public toilets which accommodate wheelchairs.

- For Persons with significantly impaired hearing, hearing loops, other assistance devices, or sign language interpreters may be essential.
- For Persons with significantly impaired vision, it is essential to have individual screens or other facilities by which documents, diagrams, or videos may be presented.

Looking forward, as and when improvements to the Court Estate are being planned, the application of the Solomon Webster Act should mean that the rights and needs of persons with disabilities will be given closer consideration. No doubt the National Council for Persons with Disabilities will provide important insight and input.

Delivery of Judgments in 2024

I now move to my annual report regarding the delivery of judgments in 2024 by our senior Courts.

They delivered 271 Judgments as follows.

In the Grand Court –

- Financial Services Division: 146
- Civil Division
(including appeals from the Summary Court): 41
- Criminal Division
(including appeals from the Summary Court): 40
- Family Division: 7

In the Court of Appeal

- Civil 16

- Criminal 16

In the Privy Council (incl. applications for permission to appeal):

- Civil 5
- Criminal 0

TOTAL: 271

Last year someone observed to me that these figures might tend to suggest that the work of the Courts is dominated by civil proceedings. That would not be a fair reflection. The judges sitting in the Criminal Division often sit with a jury, and because the juries are the finders of fact at trial the judges do not deliver judgments on the merits. Also, many of their judgments on interlocutory matters (argued in the absence of a jury) must be withheld pending the conclusion of the trial so as to ensure that jurors are not influenced by such judgments. Finally, these figures do not include the many judgments delivered by our magistrates because it is the long-standing practice of the Law Reports to publish judgments of our senior Courts only.

Publication of the Law Reports in 2024

That brings me to my annual report on the publication of the Law Reports.

I am pleased to be able to report that much of the COVID-related backlog to which I have referred in previous years has now been cleared and we have almost returned to the publishing schedule that existed prior to 2020. The second volume of 2023 has been submitted to the printers for printing, binding, and dispatch, and thereafter for uploading on the Judicial website. For the judgments delivered in the first half of 2024, the judgments have been selected, the headnotes have been written, the copy editors and proof-readers have largely completed their tasks, and work on the various indices, tables, and cross-references will shortly begin. The selection of judgments from the second half of

2024 and the writing of headnotes for judgments already selected are both underway.

Appreciation of Judges, court clerks, administrators, and court staff

We thank you and the Judges of the Grand Court, the President of the Court of Appeal and the Justices of Appeal, the Chief Magistrate and the Magistrates, the taxing officers, for your unceasing dedication to administer justice in these Islands independently, fairly, and efficiently. Much of that involves long hours outside of court, such as preparing for hearings, writing judgments, and ensuring the efficient administration of our courts.

I wish to express our thanks to those people, based here and overseas, who have willingly given up their valuable time in 2024 to sit as Acting Judges of the Grand Court and as Acting Magistrates.

In the Grand Court they comprised – HH Roger Chapple, the Hon. Stanley John, the Hon. Roy Jones, the Hon. Cecil McCarthy, the Hon. Marva McDonald-Bishop, HH Philip St. John Stevens, and Ben Tonner KC and Alistair Walters. In the Summary Court they comprised – Suzanne Bothwell and Adam Roberts

We also wish to express our gratitude to the Clerk of Court and her Deputies, the Acting Court Administrator, and all the administrative, technical, security, and support staff at the Court campus who, behind the scenes, work hard and diligently, to assist and serve all Court users.

I wish to take the opportunity to mark the recent retirement of Yasmin Ebanks, whom I note is present today. In her 36 years of dedicated service in the Court Administration, she served as Personal Assistant to no less than four Chief Justices. In 2003 Ms Yasmin was appointed as Listing Officer, a role which requires extraordinary organisational skills that I can only compare to solving a Rubik's cube every 30 minutes with the interpersonal skills of UN diplomat. She

achieved this on a daily basis with remarkable efficiency and unfailing good humour.

We wish Ms Yasmin a well-deserved, long, and happy retirement.

In Memoriam

I join my learned friends' tributes to the late Dennis Morrison OJ and Dr Abdulai Conteh, both of whom served with distinction in our Court of Appeal, and Angus Foster KC who served with distinction in the Grand Court. Their judgments greatly advanced Cayman Islands law.

Finally, I note that this is the first Opening of the Grand Court since the passing of my dear friend and colleague Ramon Alberga OBE KC, who was not only the Father of the Bar but also the father, midwife, and wise and generous guardian of the Law Reports.

Closing

It now only remains for me to wish a happy, healthy, and prosperous New Year to you and all of our judges, magistrates, taxing officers, and clerks; to the entire administrative staff; to all members of the profession; and to the people of the Cayman Islands.

I have the honour and privilege to support Mr Attorney's motion this morning.

Colin McKie KC

8 January 2025

