

**Chief Justice Sir Anthony Smellie's comments on the occasion of the swearing in of Chief Justice Designate Ramsay-Hale – 25 October 2022**

**I bid everyone good afternoon and welcome. Please be seated.**

**Your Excellency the Governor, Hon Premier; and others ...to be confirmed.**

**While not formally convened as a court, we are assembled in public in open court because doing so marks, symbolically, the significance of the occasion.**

**Today we will at once be observing my retirement as Chief Justice after nearly 25 years (the longest serving in modern times - although the history books tell us that one William Cartwright served in what was then the equivalent capacity for just as long between 1750 and 1775). At the same time, we will also be witnessing the installation in office of our first lady Chief Justice.**

**But it is of course, the latter event that takes center stage today. We might expect a more suitable occasion to be announced for a valedictory following my retirement.**

**And so, it is appropriate that I should take a further moment to recognize the significance of this afternoon's event.**

**As I noted before, Justice Ramsay-Hale will become our first lady chief justice, an event, in and of itself, reason for celebration. But as she might be wont to say herself in her own humorous resort to the American vernacular, this is not her first rodeo. She had already made history upon becoming the first lady chief justice for the Turks and Caicos Islands. And so what we witness today, will be a remarkable and historical "double-first" – a second appointment as the first lady chief justice for two different jurisdictions!**

**All that said, it is however, for her appointment today as Chief Justice of the Cayman Islands that we are assembled. She needs no further introduction, having served with distinction for many years, in different capacities, within the Cayman judiciary.**

**Instead, it is only fitting that I should say a bit about what becoming Chief Justice really means.**

The best and most authoritative description of the responsibilities is to be found in the Constitution itself. I therefore read from section 95 subsections (6) and (7) of the Constitution:

***“ (6) The Chief Justice shall be the head of the judiciary for the Cayman Islands.***

***(7) The Chief Justice shall have responsibility for the management of all matters arising in judicature, including responsibility –***

***(a) for representing the views of the judiciary to the Government and the Legislative Assembly, including, where appropriate, through the Attorney General;***

***(b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary within available resources;***

***(c) subject to paragraph (d), for the maintenance of appropriate arrangements for the deployment of the judiciary and the allocation of works within the courts;***

***(d) after consultation with the President of the Court of Appeal who shall be responsible for the allocation of work within the Court of Appeal, for the maintenance of appropriate arrangements for the work of that court.”***

It is difficult to imagine a more concise yet compendious description of the responsibilities of the Chief Justice. But appropriate emphasis should be placed upon the words “all matters arising in judicature” because what they convey with the rest of section 95, is, in effect, that the Chief Justice is deemed by the Constitution to be responsible for the administration of justice for the Islands.

Any careful observer of events as they have unfolded in the public sphere of these Islands in recent times, would have acquired at least some understanding of the challenging nature of these responsibilities.

These challenges are confronted not only by the Chief Justice as head of the judiciary but also, along with all other members of the judiciary, by the Chief Justice in the capacity of judge, as each and every one of us must contend with the many and difficult cases which come before the courts.

And, as everything we do is done in the glare of public scrutiny, the challenges themselves are often magnified by the expectations of immediate responses and solutions which come with that scrutiny.

It is just as well therefore, to remark here that no public official is more accountable than the members of the judiciary. Justice is administered in public and our decisions are subject to the immediate scrutiny of the media on behalf of the public and to the right of appeal.

And as we have journeyed through the age of the internet, the way in which we administer justice in the cases, has become the subject of immediate scrutiny not only by our public here at home but also by the wider international public who do business in and through the Cayman Islands.

Expectations have changed and our client public at home and abroad have come to expect resolutions rather more quickly than they did, even say two or three decades ago.

What this all means is that the administration of justice is an extremely demanding responsibility and it is just as well to remind everyone of this, not only for the sake of confirming expectations, but also for the sake of emphasizing that the Chief Justice, all members of the judiciary and indeed all our staff members, need and are entitled, in return, to the support, understanding and respect of the public, as we strive to meet those expectations.

I certainly hope and pray for nothing less for my successor, her colleagues and the staff of the Administration, as they continue to lift on high, the brilliant but onerous torch of justice.

And so in closing, as I pass that symbolic torch on to my dear colleague and friend, I end with the time-honoured, clarion call of all good judges with which she is no doubt very familiar: “Fiat Justitia ruat caelum”! – “let justice be done even though the heavens fall!”

I now invite the Chief Justice Designate to join His Excellency in the well of the Court for the Swearing In, while we all stand at attention.

Hon Sir Anthony Smellie