

CBA President's Address for the opening of the Grand Court 15 January 2014

1. Introduction

My Lord Chief Justice, Honourable Judges of the Grand Court, Honourable Chief Magistrate, Honourable Magistrates, distinguished guests, colleagues at the Bar, Ladies and Gentlemen, I rise on behalf of the Caymanian Bar Association to second the motion of the Honourable Attorney General to open the Grand Court for the year 2014.

I too wish to extend a warm welcome to all legal and judicial appointments referenced earlier by the Honourable Attorney General in his remarks. On behalf of the Association, I wish you all much success.

In particular, I would like to congratulate on behalf of the Association Eileen Nervik QC and Ian Paget-Brown QC, who, I believe, raise the number of members of the Association who have taken silk to three, and also to congratulate Colin McKie QC and Trevor Ward QC on their recent appointments as Queens Counsel.

It is with great sadness that we acknowledge the passing of a number of members of the profession in 2013 – Melanie McLaughlin, Charles Adams, Neville Levy and Chantal Whittaker. They will all be sorely missed.

With your Lordships' indulgence, I am honoured to highlight some of the work undertaken by the Association over the past year.

2. The CBA in 2014

The Association celebrated its 25th anniversary in 2013 having been established in 1988 after senior Caymanian attorneys perceived the need for an organisation to address issues of particular relevance to Caymanian attorneys and effectively to represent the views of Caymanian attorneys who were, and are still, a minority in the profession in the

Cayman Islands. The late Mr. Ormond Panton served as the Association's first elected President.

The Association is currently lead by a Council comprised of myself as President, Abraham Thoppil as Vice President, Nick Joseph as Secretary, Brett Basdeo as Treasurer and Neil Timms QC, Anna Goubault, Nick Rogers and Martin Davies as Council members. I wish to publicly express my gratitude to all of the Council members for their service and dedication. Indeed, all of the Council members are busy practitioners who willingly dedicate their time to the Association on a purely voluntary basis. Annual elections will be held next month and I encourage all of our members to embrace the opportunity to step forward and serve.

The Association represents the interests of over 160 Caymanian attorneys, an overwhelming majority of all Caymanians within the profession, and remains committed to its mandate to serve the legal profession generally and specifically to protect, promote and enhance the interests of Caymanian attorneys within it, including promoting their training and advancement.

In 2008 the Association established an honorary Student Chapter for Caymanian law students studying both locally and abroad, and for articled clerks. We now have over 80 student members. The Student Chapter aims to:

- address issues faced by Caymanian students who are striving to become members of the legal profession;
- provide networking opportunities with members of the legal profession; and
- allow for students to positively give back to the country by way of a research project undertaken every year which provides an opportunity for the different levels of the Student Chapter to collaborate and work in unison on a single project.

2013's project comprised a report to be presented to the Human Rights Commission considering the question of whether the creation of a public sex offender registry in the

Cayman Islands would be a breach of human rights – in particular, the right to privacy. Once the report has been considered by the HRC, we anticipate its publication on our website.

3. Education and Training

The Association continues to maintain a close relationship with the Truman Bodden Law School of the Cayman Islands and have discussed with the Law School mutual areas of interest with regards to legal education and training of Caymanians. The Association annually delivers presentations to both Professional Practice Course and first year law students providing those students with information to enable them to be competitive both in the local environment and abroad. We will continue to provide our support to the Law School and the development of our student members over this year and look forward to enhancing our relationship with each.

4. Caymanian Bar Association Law Library

I am pleased to report that 2014 will see the introduction of the Association's Legal Reference Library which will be available to the general public. The Reference Library will be located on the 3rd floor of the George Town Public Library and will house the Association's collection of donated academic materials. The Reference Library would not have been possible but for the generous donation from the law firm of Charles Adams, Ritchie and Duckworth of collections of the Encyclopaedia of Forms and Precedents and Atkins Court Forms (including volumes prior to 1999). So a special thanks to CARD, and to Ramona Melody, the Director of Public Libraries, who graciously agreed to accommodate the Reference Library at the George Town Public Library. It is hoped that practitioners will find the Reference Library to be complimentary to the legal libraries housed at the Truman Bodden Law School and the Courts Library. In future, it is intended that the Reference Library will also be able to offer online legal research resources.

To maximise the utility of the Reference Library specialist texts are still required. Old and current editions of law school text books, specialist and practitioner texts,

Halsbury's Laws of England, law reports, legal dictionaries, as well as bound copies of external and/or conference presentations are all welcome.

5. Legislative Initiatives

The Association has reviewed and provided commentary on a number of important legislative initiatives during the course of last year, including the long anticipated National Conservation Law. The Association typically reviews domestic focussed legislation on its own and generally collaborates with the Law Society with regards to financial services focussed legislation where our interests are often aligned. I believe the President of the Law Society will provide additional details with respect thereto so do not propose to elaborate further.

6. Legal Practitioners Bill

Unfortunately we were again unsuccessful in our push for the implementation of a modernised Legal Practitioners Law in line with international standards and which provides for the proper regulation and discipline of the profession within and outside of the Cayman Islands. In the absence thereof, the number of overseas practitioners holding themselves out as practicing Cayman Islands law notwithstanding having no connection whatsoever to the Islands continues to grow unchecked and unabated.

The Association remains committed to ensuring that any such legislation affords suitable protection for the recruitment, training and development of Caymanians within the profession and provides proper progression planning, including a commitment to promote Caymanians into true equity positions within local firms. We look forward to working with the new Government, the Law Reform Commission and other stakeholders to ensure that a balanced Bill is passed into law in 2014.

7. Court facilities

While on the topic of long standing issues; the Association once again joins the call for the update of the Court's facilities and the pressing need for modern accommodations. I would note the obligation impressed upon Cabinet and the Legislature at section 107 of

the 2009 Constitution to ensure that adequate funds are provided to support judicial administration in the Cayman Islands. Perhaps a creative solution can be found in utilising the vacant Tower Building lot or the now vacant Glass House building.

8. Conclusion

Now it only remains for me formally to second the Honourable Attorney General's motion to open the Grand Court for 2014 and on behalf of the Caymanian Bar Association I would like to take this opportunity to wish all Judges of the Grand Court, all Summary Court Magistrates, all the Court Staff and fellow members of the legal profession a very happy, healthy and prosperous 2014.

Dale Crowley

President

Caymanian Bar Association

15 January 2014