

**ADDRESS OF COLIN McKIE Q.C. ON THE OCCASION OF THE
OPENING OF THE GRAND COURT ON 13 JANUARY 2021 GIVEN ON
BEHALF OF THE CAYMAN ISLANDS LAW REPORTS**

My Lord Chief Justice, Hon. Judges of the Grand Court, Hon. Chief Magistrate, Hon. Magistrates, Mr Attorney, Madam Solicitor, Mr Director, my colleagues at the Bar, our special and distinguished guests, Ladies and Gentlemen.

If it may please my Lord.

I am privileged to be able to support the motion to open the Grand Court for the year 2021, moved by Mr Attorney and seconded by the President of the Cayman Islands Legal Practitioners Association, and to provide my own remarks.

The importance of this occasion is reflected by attendance of His Excellency the [Deputy] Governor, [the Hon. Premier and other] members of the Cabinet and Parliament, the Commissioner, certain Justices of the Peace, many members of the legal profession, business and civic leaders, and representatives of the press. For the last few years attendance has been so large that this courtroom cannot accommodate everyone and a videofeed into an overflow courtroom has been required.

Publication of Law Reports in 2020

I am pleased to be able to report that the second volume of the law reports for 2019 has been published and the first volume for 2020 is expected to be published by the end of next month.

Mr Mitchell Davies, the Director of the Truman Bodden Law School, has asked me to report that the third volume of the Cayman Islands Law Review has just been published.

Judgments delivered in 2020

Despite the disruption and challenges of that COVID has caused to the administration of justice in our Islands, our courts nevertheless delivered 199 judgments in 2020, as follows:

Grand Court judgments –

- Financial Services Division: 68;
- Criminal Division
(including appeals from the Summary Court): 38;
- Civil Division: 33;
- Family Division: 24.

Court of Appeal judgments - 34

Privy Council judgments - 2.

Inevitably, the COVID situation in the UK (where the CILR are compiled, edited, printed, bound, and dispatched), has caused, and will likely continue to cause, some delays in the publishing schedule for judgments delivered in 2020 and into 2021. Nevertheless, the law reporters, editors, and printers have been working diligently to publish our reports as quickly as the changing circumstances permit.

Retirement of Ramon Alberga OBE, QC

It is with some regret that today I report that my dear friend Ramon Alberga OBE, QC has decided to take early retirement (at the tender age of 92) as a consulting editor of the CILR after almost 40 years in that role. It is right that I take this opportunity to reflect on Mr Alberga's remarkable contribution to law reporting in the Cayman Islands and to the establishment and development of the CILR.

Mr Alberga was called to the English bar (Middle Temple) on 15 February 1951, and shortly thereafter was called to the Jamaican bar, where he had a very successful commercial practice, and he was subsequently appointed as a QC.

In the 1960s and 1970s it was common for Cayman Islands attorneys to instruct QCs who were based in Jamaica to appear at their more complex hearings. Mr Alberga QC was first instructed to appear in our the Grand Court by William Walker in 1964. Mr Alberga soon found himself in great demand from our attorneys. That demand was such that in early 1976 he decided to move to the Cayman Islands together with his family.

Much has been said on other occasions about Mr Alberga's pre-eminence as an advocate and an attorney of exceptional insight and energy. I recall, in particular, the praise afforded to him in 2002, when he was awarded an OBE for his service to the public of the Cayman Islands, and again in 2011 at the opening of the Grand Court when it was resolved to confer on Mr Alberga the unique honour of mounting his portrait in the foyer immediately outside this Courtroom.

In the early 1980s Mr Alberga was elected president of the Cayman Islands Law Society. He was keenly concerned that the judgments of our courts were not readily accessible at that time. It was self-evident that judges, litigants, and attorneys required such ready access, but it was also essential that the public at large should have that access so to understand our laws and appreciate how our courts administer our laws in our names.

His concerns were shared by the Chief Justice (Sir John Summerfield QC) and the Attorney General (Mr Michael Bradley QC) and they decided to explore the possibility of establishing our law reports. Mr Bradley contacted Dr Alan Milner, a Fellow and Tutor of Law at Trinity College, Oxford University, who had great experience in establishing and maintaining new series of law reports.

Dr Milner, Mr Bradley, Mr Alberga, and Sir John formulated proposals and, on 20 May 1986, Mr Bradley informed the Legislative Assembly that the arrangements to publish the law reports had been finalised and that the first volume would be published within the year.

At the outset, Mr Alberga very generously made available his own private collection of Cayman Islands judgments and encouraged other leading practitioners to do the same. Mr Alberga's collection was uniquely extensive and comprehensive, and it is fair to say that a large majority of the judgments published in the early volumes of the CILR derive from Mr Alberga's private collection.

Mr Alberga worked with Dr Milner to select, compile, edit, and publish judgments for inclusion in the Law Reports. The first volume of the CILR was published in 1987, covering judgments delivered in the years 1984 to 1985. Subsequently, retrospective volumes were published of judgments delivered in earlier years, back to 1952, and notes of even earlier cases back to 1894.

Since his first involvement in the project, up to and including last month – Mr Alberga has carefully read, and considered, and given his views on, **every single available judgment delivered by our courts since 1952**, a task worthy of this legal Hercules.

Over many years I have seen at first hand Mr Alberga's phenomenal energy and industry and his careful consideration of every judgment, and how he brings to bear the exceptional depth and breadth of his experience, wisdom, and learning.

I contacted Dr Milner to confirm the accuracy of that history. He wishes to express his sincere gratitude to Mr Alberga for the extraordinary dedication to law reporting, for his great companionship, and for the memorable lunches at the Lobster Pot.

I know that I speak for all of us currently and formerly associated with the law reports that we will miss our friend and colleague. Nevertheless, those of us here will still be able to enjoy his company at many more memorable lunches at the Lobster Pot!

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, 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 2020 to sit as Acting Judges of the Grand Court and as Acting Magistrates.

In the Grand Court – Marlene Carter, HH Roger Chapple, Dame Linda Dobbs, the Hon. Marva McDonald-Bishop, Timothy Owen QC, Phillip St John-Stephens, the Hon. Frank Williams, and Michael Wood QC.

In the Magistrates Court – Vanessa Allard, Robert Jones, David McGrath, and Adam Roberts.

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

Closing

It now only remains for me to wish a happy, healthy, and prosperous New Year to you and all of our judges, magistrates, 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 QC

13 January 2021