

## The Opening of the Caribbean Court of Justice

This past April, Trinidad & Tobago's capital city was alight with the excitement of monumental legal change. An honour guard of puppet "tan-tans" and "saga boys" stood outside the Queen's Hall in Port of Spain to welcome dignitaries to the inauguration of the Caribbean Court of Justice. The CCJ's new President, the Right Honourable Michael de la Bastide, spoke on the importance of the Court to regional development. He noted, "The establishment of this Court is certainly a landmark event in the history of the Caribbean. The Court has the capacity to make an important contribution."

Two new judges of the Court took their Oath of Office during the inauguration. The Honourable Mr. Justice Adrian Saunders of St. Vincent and the Honourable Mme. Justice Desiree Bernard of Guyana became the third and fourth additions to the distinguished first roster of CCJ judges. Justice Saunders has been involved with the CJJI for over seven years. Justice Bernard is the first woman appointed to the Court.

The evening also saw speeches from the Secretary-General of the Caribbean Community (CARICOM), His Excellency Mr. Edwin Carrington and the Chief Justice of Barbados, Sir David A.C. Simmons. Carrington echoed the hopeful statements of his peers: "We the people of the Caribbean Community are embarking on the final leg of our historic and epoch-making journey towards our self-determination and independence."

Several heads of state attended the ceremonies. From the host country of Trinidad & Tobago, the Prime Minister the Honourable Mr. Patrick Manning and the President His Excellency Professor George Maxwell Richards both participated. Also present were: the President of the Republic of Suriname, His Excellency Rinaldo Ronald Venetiaan; the Prime Minister of Saint Lucia, the Honourable Dr. Kenny D. Anthony; and the President of the Republic of Guyana, His Excellency President Bharat Jagdeo.

**"The establishment of this Court is certainly a landmark event in the history of the Caribbean"**

**The Right Honourable  
Mr. Justice Michael De  
La Bastide, President  
of the Caribbean Court  
of Justice**



*Queen's Hall in Port of Spain,  
Trinidad & Tobago  
(Photo courtesy of CCJ)*

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# Chair's Message

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The period since the last CJEI Report has been filled with activity. From an institutional perspective, the most important event was the Biennial Meeting hosted by the National Judicial Academy of India at their impressive judicial academy site in Bhopal. Details of this highly successful event are contained in this bulletin, so I will not mention them further here, except to express our profound gratitude to Chief Justice Lahoti, Justice Balakrishnan and Justice Ruma Pal of the Indian Supreme Court, our Patron Dr. L.M. Singhvi and to Dr. N.R. Madhava Menon, Director of the National Judicial Academy of India, for their outstanding hospitality and support. The Indian meeting truly was a worthy celebration of our tenth anniversary.

An important outcome of the Bhopal meeting was the appointment of the Honourable Justice Madan Lokur of the Delhi High Court as the editor of the CJEI Report. We are most grateful for the interest and support of this outstanding jurist. An autobiographic note is included in this newsletter.

We were more than pleased to institute, in memory of our late Board Member, the Right Honourable Telford Georges Memorial Award to recognize outstanding achievements in judicial education at the Bhopal meeting. Justice Georges would have been very proud of the first two recipients: Dr. Menon of India and Dr. Chaudhry Hasan Nawaz, Director General of the Federal Judicial Academy of Pakistan. The awards were presented in Delhi by the Honourable Chief Justice R.C. Lahoti of India and the Right Honourable Sir Dennis Byron at our well attended opening session of the Biennial Meeting chaired by the Honourable Chief Justice R.C. Lahoti.

I must also express our gratitude to the Canadian High Commissioner to India, Mrs. Lucie Edwards and the Deputy High Commissioner, Mr. Brian Dickson (son of the late Brian Dickson, former Chief Justice of Canada) for their hospitality. Also, I wish to thank CIDA for their generous financial support in funding delegates from developing countries.

We are grateful to Mr. Ernest Schmatt, Chief Executive of the Judicial Commission of New South Wales, Australia, for his invitation to hold our Biennial Meeting there in 2007 and to the Honourable Chief Justice George K. Acquah of Ghana for the invitation to host the meeting in Ghana in 2009. Mark your calendars now! We look forward to seeing you there.

The annual June Intensive Study Programme (ISP) gave us nine new Fellows. It was an outstanding session and, as always, the participants' contributions will shape future programmes. As I look back, I can see the great strides forward made in judicial education / judicial reform programming during ISP sessions over the last 10 years. We are more than grateful to our Fellows for their vision, input, and work.

I close on a sad note. With great regret, I must advise you of the sudden death of Mr. Justice Graham Hill of the Federal Court of Australia, a Fellow from 2002. Our world will be much the poorer for the loss of his presence among us.

## News and Notes

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**Bermuda**  
(Norma Wade-Miller)

On February 11 2005, Attorney General and Minister of Justice, Senator The Hon. Mr. Larry Mussenden invited the Hon. Justice Norma Wade-Miller to chair a committee set up to review the justice system in Bermuda and recommend improvements. In reviewing the best practices of other jurisdictions, the committee adopted the observations of Judge Sandra Oxner, Chair of the CJEI. In her address at the 13th Commonwealth Law Conference in Melbourne, Australia, she observed that "the impetus to the growth and development of judicial education [arises] from contemporary international recognition that a judiciary that attracts public confidence is essential to social and economic development." The committee suggested that a Justice Training Institute should be established in Bermuda to provide continuing education to the judiciary (including magistrates), the Attorney General's Chambers and the Office of the Director of Public Prosecutions. The recommendation has been accepted and the committee is presently establishing the Justice Training Institute which is expected to begin its training toward the end of 2005.

# Using the CJEI Gateway

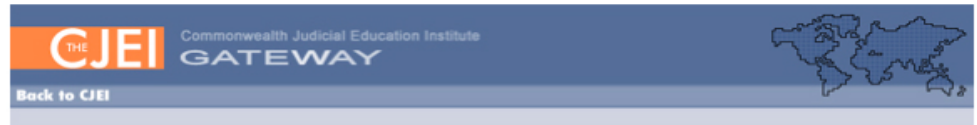
Since its inception last year, the CJEI Gateway has proved to be a valuable judicial education resource.

The Gateway features two ways to access information from judicial education bodies from around the Commonwealth: users can browse by country or by theme.

Currently, users browsing by country can access the judicial education websites of the following countries:

- Antigua & Barbuda
- Australia
- Canada
- Dominica
- Grenada
- India
- Malaysia
- Pakistan
- Philippines
- St. Kitts and Nevis
- St. Lucia
- St. Vincent and the Grenadines
- Trinidad & Tobago
- United Kingdom

Alternately, users can access information grouped under the headings of Impartiality, Competency, Efficiency, and Effectiveness.



The CJEI Gateway project is a joint initiative of the Commonwealth Judicial Education Institute and The World Bank Legal and Judicial Reform Practice Group. The Gateway provides for a centralized access point to the Commonwealth member countries judicial education bodies' web sites and other relevant judicial training material. Its objective is to encourage judicial education bodies to join an Internet-based networked community in order to share knowledge and practices.



## Access to Judicial Education Bodies by Commonwealth Member

### Antigua and Barbuda

**Australia**  
The Bahamas  
Bangladesh  
Barbados  
Belize  
Botswana  
Brunei Darussalam  
Cameroon  
**Canada**  
Cyprus  
**Dominica**  
Fiji Islands  
The Gambia  
Ghana  
**Grenada**  
Guyana  
**India**  
Jamaica

Kenya  
Kiribati  
Lesotho  
Malawi  
**Malaysia**  
Maldives  
Malta  
Mauritius  
Mozambique  
Namibia  
Nauru  
New Zealand  
Nigeria  
Pakistan  
**Pakistan**  
Papua New Guinea  
**Philippines**  
**St Kitts And Nevis**  
St Lucia

### St Vincent and the Grenadines

Samoa  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
Swaziland  
Tonga  
**Trinidad and Tobago**  
Tuvalu  
Uganda  
**United Kingdom**  
United Republic of Tanzania  
Vanuatu  
Zambia

## Access to Learning Material by Theme

### Judicial Education - General

#### Impartiality, Independence and Accountability

- Impartiality
- Independence
- Appointment and Promotion Process
- Discipline and Review Process
- Ethics and Codes of Ethics
- Accountability

#### Competency - Professional Skills Updating - Continuing Legal Education

- Substantive Law
- Procedural Law
- Evidence
- The Judicial Exercise of Discretion
- Inherent Jurisdiction
- Judicial Skills - Competency
- Court Management Skills

### Efficiency

- Delay Reduction
- Alternative Dispute Resolution
- Mediation
- Case Flow Management
- Time Management

### Effectiveness

- Judicial Skills - Effectiveness
- Judicial Reform
- Attracting Public Trust and Confidence
- Social Context
- Human Rights, Gender and Ethnic Sensitivity
- The Science of Fact Finding
- Elimination of Hidden Bias

Access the Gateway: [www.cjei.org/gateway](http://www.cjei.org/gateway)

## News and Notes



**Jamaica**  
(Gloria Smith)

Mrs. Justice Zaila McCalla, a graduate of the CJEI Programme, has been elevated to act as a Judge of Appeal in the Court of Appeal in Jamaica. She is one of two females presently holding that position.



**Trinidad & Tobago**  
(Adrian Saunders)

The Caribbean Court of Justice heard its first ever matter on Monday 8th August 2005 at the Court's Head Quarters in Trinidad. The matter that was argued was an application for leave to appeal against an interlocutory judgment handed down by the Barbados Court of Appeal.



**Pakistan**  
(Ch Hasan Nawaz)

Mr. Justice Iftikhar Muhammad Chaudhry, senior-most Judge of the Supreme Court has been appointed as Chief Justice of Pakistan as of 30th of June, 2005, on the retirement of Chief Justice Mr. Justice Nazim Hussain Siddiqui, which marks the advent of a new judicial regime.

# The Caribbean Court of Justice: Independence or Integration?

In 2000, the Right Honourable Lord Woolf gave a speech on access to justice at the Cave Hill Campus of the University of West Indies in Barbados. Although he was speaking about access to justice generally, the future Lord Chief Justice of England and Wales felt compelled to address the issue of a proposed regional court for the Caribbean that would replace the Judicial Committee of the Privy Council as the court of last resort. After pledging his support and remarking on the high quality of Caribbean jurists, he cautioned that the work of any such court is difficult because “it’s about taking those decisions which are unpopular with the majority of the population because they infringe on the rights of the individual.”

Indeed, some speculate that the 35-year-old process leading up to the creation of the Caribbean Court of Justice was sparked by “unpopular decisions”. In 1993, the Privy Council handed down the infamous *Pratt v. Attorney General of Jamaica* [1993] J.C.J. No. 38 decision that held that an unconscionable delay of five or more years in the administration of the death penalty will commute a sentence to life imprisonment. In the wake of *Pratt*, hundreds of prisoners throughout the Caribbean had their sentences commuted to life imprisonment. At this point the cry for a Caribbean Court of Appeal became enmeshed in arguments about the death penalty and national sovereignty.

However, the Caribbean Court of Justice that exists today is not simply a response to the *Pratt* case. In fact, the road to the CCJ began more than 30 years ago with the creation of the Caribbean Community. The CCJ is unique in form because it has two major functions that are quite distinct. It is the highest appellate court for those Caribbean countries who opt to have it replace the Privy Council – presently only Guyana and Barbados have done so. But it will also be a court of first instance for the interpretation of the Treaty of Chagauramas, which created the Caribbean Community Single Market and Economy. Limiting the interpretation of the Treaty to one court will eliminate competing national precedents. The Common Market will ensure regional integration through eliminating internal barriers, guaranteeing uniform external tariffs, and facilitating the free movement of goods, labour, capital, services and persons.

As much as the CCJ is ensuring that binding precedents originate from judges who have actually lived in the jurisdictions that they will affect, it is also paving the way for greater economic integration that will protect against the negative effects of globalization. Opinions about why the court exists – to finish the cycle of Caribbean independence from the UK or to usher in a new financial structure – are nonetheless secondary to the great challenges that now face the court in its early days. There is little doubt that the CCJ will meet its challenges with grace and strength, as Lord Woolf predicted.

## Annotated Timeline:

**1970:** Sixth Meeting of the Heads of Government Conference held in Kingston, Jamaica – Creation of a Committee of Attorneys-General, who recommend the creation of a Caribbean Court of Appeal

**1971:** Organization of Commonwealth Caribbean Bar Associations meets in Guyana—Discusses the Committee’s recommendation

**1973:** Treaty of Chagauramas creates the Caribbean Community and Common Market

**1989:** Grand Anse Declaration modifies the Treaty to include a commitment to work towards the Caribbean Single Market and Economy

**1993:** *Pratt v. Attorney General of Jamaica* (also known as “Pratt and Morgan”)

**1998:** Nineteenth Meeting of the Heads’ Conference held in Castries, Saint Lucia, where it is decided that the CCJ will have original jurisdiction over the adjudication of trade disputes under the Treaty

**2001:** Agreement Establishing the Caribbean Court of Justice

## Members of the Court:

- Antigua and Barbuda
- Barbados
- Belize
- Dominica
- Grenada
- Guyana
- Jamaica
- Montserrat
- St. Kitts and Nevis
- St. Lucia
- St. Vincent & the Grenadines
- Trinidad & Tobago

# Introducing the Judges of the Caribbean Court of Justice

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With the inauguration of the Caribbean Court of Justice comes the introduction of the first eight individuals who will sit on the bench. According to Article IV of the Agreement Establishing the Caribbean Court of Justice, the Court shall have a President and nine other judges. The provision also requires that at least three of these judges should have expertise in international trade law.

The Right Honourable Mr. Justice **Michael de la Bastide** T.C. holds the honour of being the first President of the Caribbean Court of Justice. He was born in Trinidad and Tobago, and studied both there and in the United Kingdom. He was Crown Counsel in the office of the Attorney-General of Trinidad and Tobago before entering private practice. He was appointed the Chief Justice of Trinidad and Tobago in 1995. He has received Trinidad and Tobago's highest national honour, the Trinity Cross. In 2004, he was sworn in as a member of the Privy Council. He also plays hockey, lawn tennis and cricket.

The Honourable Mrs. Justice **Desiree Bernard** is the first woman appointed to the CCJ bench. She is a citizen of Guyana and pursued her education in the United Kingdom. For many years, she worked in private practice. She has become a trailblazer for women in the legal profession. She was the first woman appointed to the Supreme Court of Guyana (1980), a Justice of Appeal (1992), Chief Justice of Guyana (1996), and Chancellor of the Judiciary of Guyana (2001).

She has worked extensively with the United Nations, particularly on the Committee to Eliminate Discrimination Against Women.

The Honourable Mr. Justice **David Hayton** was born in the United Kingdom. For many years, he wrote and did committee work in the areas of trusts, property law, succession, and international tax. He has taught at London University and Cambridge. From 1984 – 2000, he sat as a part-time judge on the Bahamas Supreme Court.

The Honourable Mr. Justice **Rolston Nelson** has his origins in Trinidad & Tobago. He studied at Oxford and the University of London before returning to private practice in Jamaica and Trinidad & Tobago. He was appointed a Justice of Appeal of the Supreme Court of Trinidad & Tobago. He has taught at the Sir Hugh Wooding Law School and acted as the Chairman of the Trinidad & Tobago Unit Trust Corporation.

The Honourable Mr. Justice **Duke E.E. Pollard** was born in Guyana. He has degrees from Queen's College, University of London, McGill University, and New York University. He is an expert in international law, international economic law, law of the sea, and treaties. His interest is in integration, both general and economic. From 1996 – 2005, he worked with the Caribbean Community Secretariat and played a role in drafting many CARICOM instruments. He is the author of *The Caribbean Court of Justice: Closing the Circle of Independence*.

The Honourable Mr. Justice **Adrian Saunders** was born in St. Vincent. He studied law at the University of the West Indies and the Sir Hugh Wooding Law School. After spending 19 years in private practice, he was called to the bench of the Eastern Caribbean Supreme Court. He was made a High Court Judge, then a Justice of Appeal. He has been acting as Chief Justice of the Eastern Caribbean Supreme Court for the duration of Sir Dennis Byron's leave. He is a CJEI Fellow, and has been extremely active in the area of judicial education in his jurisdiction.

The Honourable Mr. Justice **Jacob Wit** was born and educated in the Netherlands. He practiced law in a private firm for many years before moving to the Caribbean. Beginning in 1988, he acted as a judge in the Netherlands Antilles and Aruba. He has contributed to many committees and international conferences on many different subjects. Some of his areas of interest include cross-border insolvencies, codes of ethics, criminal procedure, and judicial education activities.



*The Honourable Mr. Justice Adrian Saunders*

# Commonwealth Judicial Educators Gather in India for Third Biennial CJEI Meeting

Over a period of six days in March, a group of judges, scholars, and legal professionals met in Delhi and Bhopal, India, for the Third Biennial Meeting of the Commonwealth Judicial Educators. The 29 participants represented the judiciaries of 18 different countries: India, Australia, Canada, Eritrea, Ethiopia, Ghana, Lesotho, Malawi, Nigeria, Pakistan, Philippines, South Africa, Sri Lanka, St. Lucia, Tanzania, Uganda, USA and Zambia. These international participants joined a group of 46 Indian judges mid-way through the programme at the Bhopal National Judicial Academy.

The chief theme of the meeting was delay reduction programmes for judges and court administrators. Participants developed teaching modules designed to eliminate backlogs and reduce delays in judicial systems. An underlying theme of the meeting, and indeed an organizing principle of the Commonwealth Judicial Education Institute itself, is the exchange of human and material resources. The teaching modules developed prior and during this meeting were distributed to participants for use in their own countries.

A productive and successful formal programme was supplemented by visits to the Mughal Gardens, the Red Fort, and the Supreme Court of India in Delhi. In Agra, participants saw the Taj Mahal, the Agra Fort, and the UNESCO World Heritage Site of Fatehpur Sikri (the City of Victory). To add a physical challenge to the proceedings, yoga instructors led the participants in morning sessions for the duration of the Bhopal programme.



*Women participants listen to the presentations in Delhi*

*The National Judicial Academy:  
<http://nja.nic.in>*

*Delhi Judicial Academy:  
<http://www.judicialacademy.nic.in>*



*The Supreme Court of India*



*CJIE President the Right Honourable Sir Dennis Byron presents an award to the Director General of the Federal Judicial Academy of Pakistan, Ch Hasan Nawaz*

The next CJEI Biennial Meeting will be held in 2007. The location has yet to be decided, but we hope that all who are able will join us for this event. Participants are provided with an excellent judicial education and networking opportunity.

# Notes from the 12th Annual Intensive Study Programme for Judicial Educators

Seven judges, a magistrate, and a registrar recently travelled to Halifax, Toronto and Ottawa to complete the Intensive Study Programme for Judicial Educators. From June 12 to July 1, they developed skills and competencies that will allow them to design and deliver judicial education programs in their home jurisdiction. Classroom sessions covered topics such as judicial reform, using legal research databases, impartiality, adult education pedagogy, codes of ethics, sentencing, judgment writing, case flow management and delay reduction. Over the course of the programme, participants are responsible for completing a series of assignments that focus on creating a judicial education session. Outside of the classroom, the group visited a youth detention centre, specialized courts, Canadian judicial education bodies, and more. While in Ottawa, the group was received at the Supreme Court of Canada by the Honourable Mr. Justice Ian Binnie.

This year's group came from Africa and the Caribbean. The Honourable Mr. Justice Gibril B. Semega-Janneh (The Gambia), the Honourable Mrs. Justice Alidah 'Maseshophe Hlajoane (Lesotho), the Honourable Mrs. Justice Prudence Tangham Galega (Cameroon) and the Honourable Mrs. Justice Leona Theron Sarjoo (South Africa) represented Africa. Chief Magistrate Roger Gomez (Bahamas), Deputy Registrar Stephana Saunders (Bahamas), the Honourable Mrs. Justice Norma Wade-Miller (Barbados), the Honourable Mr. Justice Kenneth A. Benjamin (O ECS) and the Honourable Mrs. Justice Rita Joseph-Olivetti (O ECS) represented the Caribbean. Throughout the programme, this group worked well together and displayed a wonderful spirit of congeniality.

Dr. James Raymond led the participants through a "hands-on" session on judgment writing, where the group critiqued their own judgments. His presentation served as an excellent refresher to get the participants to critically assess their own writing skills. Professor Richard Devlin shared his critical views on impartiality with the judges. Some commented that this type of continuous questioning is important to maintain the high quality of the judiciary.

**The next ISP programme will be held in June 2007. Any interested parties are encouraged to contact CJEI at [cjei@dal.ca](mailto:cjei@dal.ca) or to visit our website: [www.cjei.org](http://www.cjei.org).**



*Lights, camera, action: The Hon'ble Justice Hlajoane, the Hon'ble Justice Wade-Miller and the Hon'ble Justice Galega during the making of their judicial education video on impartiality.*



*ISP Participants. Back row, from left to right: Roger Gomez, the Hon'ble Justice Hlajoane, Stephana Saunders, the Hon'ble Justice Joseph-Olivetti, the Hon'ble Justice Semega-Janneh, Sandra Laing, the Hon'ble Justice Theron. Front row, left to right: Alicia Kennedy, the Hon'ble Justice Wade-Miller, the Hon'ble Judge Sandra Oxner, the Hon'ble Justice Tangham Galega, the Hon'ble Justice Benjamin, James Miglin.*

# Legal Restoration in the Solomon Islands

*Special report from the Honourable Mr. Justice Frank O. Kabui*

The Right Honourable Sir Albert Rocky Palmer has been appointed the new Chief Justice of the Solomon Islands. From 1999 to 2002, an internal ethnic conflict ravaged the country, resulting in the collapse of the economy and the breakdown of law and order. In 2003, the government invited Australia and New Zealand to assist in repairing the damage. The Regional Assistance Mission to Solomon Islands (RAMSI) was established in response. Military and police personnel from these two countries were sent to restore order. When RAMSI arrived, the judiciary was the only institution left intact. However, it was dangerously close to collapsing due to lack of government funding. RAMSI has provided financial and human resources support in an effort to strengthen the judiciary. In the meantime, hundreds are in custody and are awaiting trial as a result of the conflict.



*Building peace in the Solomon Islands*

Some are in custody for longer than is necessary due to lack of prosecutors and defense lawyers. The process of prosecuting these cases is slow, despite Australian support in the form of lawyers for the Officers of the Public Solicitor and the DPP. Both Australia and New Zealand have also provided two additional judges to help move through the backlog of criminal cases. During the conflict, the warring parties did respect the judiciary. Judges were not harmed in any way. The judiciary continued to function during the conflict but its functions were under threat in terms of not being able to serve the country effectively due to lack of funds. The Government Treasury had been taken over by the militants and money was slowly drying up for everybody. With the help of RAMSI, the judiciary is now recovering, and the future looks promising.

## Announcing the CJEI Patron Chief Justices' Meeting London, England September 10—11 2005

A meeting to:

- Create a work plan for CJEI to follow in the upcoming year
- Discuss the impact of judicial decisions on environmental issues
- Review comparative sanctions in environmental statutory offences

Including these social events:

- Dinner hosted by the Right Honourable Lord Woolf,  
Chief Justice of England and Wales
- Reception at the Canadian High Commission

For information on registration, please contact CJEI at [cjei@dal.ca](mailto:cjei@dal.ca).



# News and Notes:

## Eastern Caribbean Supreme Court

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*Alana Simmons*

The Judicial Education Institute of the Eastern Caribbean Supreme Court has had a busy year. After performing a needs assessment among the members of the bench, the JEI is now developing a training schedule to meet the identified needs. During the past year, the JEI hosted training sessions on the following topics: Training of support staff on the financial aspects of JEMS and orientation programmes for staff of the newly formed Criminal Division.

In early August, the JEI held its Annual Judicial Conference for Judges and Registrars. All judges and registrars of the ECSC were invited to attend, as well as judges from Jamaica, Barbados, and the Turks and Caicos Islands. The theme for judges was "The Criminal Trial: A New Approach"; for the registrars, the theme was "Supporting an Efficient System". All of the presentations were warmly received.

An American judge, Judge Janet Bond-Arterton, spent a term on a judicial exchange in Saint Lucia. Her exchange was supported by the ECSC, the United States Department of Justice, and the United States Embassy in Barbados. The ECSC also hosted Judge Sidney Lederman, a CJEI member from Canada. During his stay, Judge Lederman facilitated a three-day Prosecutors' Workshop in Tortola, British Virgin Islands.

In other news, the Honourable Justice Hugh Rawlins, a graduate of the CJEI Intensive Study Programme, has been appointed to be a Judge on the Court of Appeal.



*Logo of the Eastern Caribbean Supreme Court*

## Further Reading

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For more information on the Caribbean Court of Justice, the sources listed below provide an invaluable resource.

Books and articles:

1. Neil Dennis, "Using One's Head to Sustain One's Heart: A New Focus for the Establishment of the Caribbean Court of Justice" (2003) 26 *Fordham Int'l L. J.* 1778.
2. Sheldon A. McDonald, "The Caribbean Court of Justice: Enhancing the Law of International Organizations" (2004) 27 *Fordham Int'l L. J.* 930.
3. Julia Lehmann, "An Outside View of the Caribbean Court of Justice" (2000) 10 *Caribbean L. Rev.* 297.
4. The Right Honourable Lord Woolf, M.R., "Access to Justice" (2000) 10 *Caribbean L. Review* 1.
5. Duke E. Pollard, *The Caribbean Court of Justice: Closing the Circle of Independence* (Kingston, Jamaica: Caribbean Law Publishing, 2004).

Websites:

1. The Caribbean Court of Justice: <http://www.caribbeancourtjustice.org>
2. The Caribbean Community: <http://www.caricom.org>
3. Project on International Courts and Tribunals: <http://www.pict-pcti.org>

# Upcoming Events

## September

Conference	When and Where	Contact
Colloquium 2005	September 2 Sunshine Coast, Australia	Judicial Conference of Australia Tel: (+613) 6292 9000 Fax: (+613) 6292 9002 Website: <a href="http://www.jca.asn.au">www.jca.asn.au</a> E-mail: <a href="mailto:conference@confco.com.au">conference@confco.com.au</a>
CMJA 14th Triennial Conference	September 10 – 15 Toronto, Canada	Commonwealth Magistrates' and Judges' Association Tel: (+44) 20 7976 1007 Fax: (+44) 20 7976 2394 Website: <a href="http://www.cmja.org/conferences.htm">www.cmja.org/conferences.htm</a> E-mail: <a href="mailto:info@cmja.org">info@cmja.org</a>
CJEI Patron Chief Justices' Meeting	September 10–11 London, UK	CJEI Tel: (+1) 902 494 1002 Fax: (+1) 902 494 1031 Website: <a href="http://www.cjei.org">www.cjei.org</a> E-mail: <a href="mailto:cjei@dal.ca">cjei@dal.ca</a>
Commonwealth Law 2005: Developing Law and Justice	September 11 – 15 London, UK	Commonwealth Lawyers Association Tel: (+44) 20 7407 9263 Website: <a href="http://www.commonwealthlaw2005.com">www.commonwealthlaw2005.com</a>
Refresher Course for Additional District Judges	September 17 – 18 Delhi, India	Delhi Judicial Academy Website: <a href="http://www.judicialacademy.nic.in">www.judicialacademy.nic.in</a> E-mail: <a href="mailto:dja@nic.in">dja@nic.in</a>
2005 Annual Meeting	September 26 – 28 Regina, Canada	Canadian Judicial Council Tel: (+1) 613 288 1566 Fax: (+1) 613 288 1575 Website: <a href="http://www.cjc-ccm.gc.ca">www.cjc-ccm.gc.ca</a> E-mail: <a href="mailto:info@cjc-ccm.gc.ca">info@cjc-ccm.gc.ca</a>
Annual CIAJ Conference: Technology, Privacy and Justice	September 29 – 30 Toronto, Canada	Canadian Institute for the Administration of Justice Tel: (+1) 514 343 6157 Fax: (+1) 514 343 6296 Website: <a href="http://www.ciaj-icaj.ca">www.ciaj-icaj.ca</a> E-mail: <a href="mailto:ciaj@ciaj-icaj.ca">ciaj@ciaj-icaj.ca</a>

## October

Conference	When and Where	Contact
23rd AIJA Annual Conference	October 7 – 9 Wellington, New Zealand	AIJA Secretariat Tel: (+613) 9600 1311 Fax: (+613) 9606 0366 Website: <a href="http://www.aija.org.au/ac05">www.aija.org.au/ac05</a> E-mail: <a href="mailto:cle@lawyers.org.nz">cle@lawyers.org.nz</a>
4th Seminar on Strengthening Shari'a and Islamic Jurisprudence	October 17 – 21 Marawi City, Philippines	Philippine Judicial Academy Tel: (632) 525-7036 Fax: (632) 525-8939 Website: <a href="http://philja.supremecourt.gov.ph">http://philja.supremecourt.gov.ph</a> E-mail: <a href="mailto:research_philja@yahoo.com">research_philja@yahoo.com</a>
Refresher Course for Civil Judges	October 22 – 23 Delhi, India	Delhi Judicial Academy Website: <a href="http://www.judicialacademy.nic.in">www.judicialacademy.nic.in</a> E-mail: <a href="mailto:dja@nic.in">dja@nic.in</a>

# Upcoming Events

## November

Conference	When and Where	Contact
United Nations Convention Against Trans Organised Crime, United Nation Convention Against Corruption, International Convention for The Suppression of The Financing of Terrorism, Its Effect On Malaysian Laws	November 14 – 18 Kuala Lumpur, Malaysia	ILKAP Tel: (+603) 8924 3400 Fax: (+603) 8924 3413 Website: <a href="http://www.ilkap.gov.my">www.ilkap.gov.my</a> E-mail: <a href="mailto:ilkap@ilkap.gov.my">ilkap@ilkap.gov.my</a>
Philippine Trial Judges League, Inc. (PTJLI) Convention Seminar	November 15 - 17 Zamboanga City, Philippines	Philippine Judicial Academy Tel: (632) 525-7036 Fax: (632) 525-8939 Website: <a href="http://philja.supremecourt.gov.ph">http://philja.supremecourt.gov.ph</a> E-mail: <a href="mailto:research_philja@yahoo.com">research_philja@yahoo.com</a>
Courts & Tribunals in the Community: The Role of Administrators	November 24 – 25 Homebush Bay, Sydney, Australia	AIJA Secretariat Tel: (+613) 9600 1311 Fax: (+613) 9606 0366 Website: <a href="http://www.aija.org.au/acag05/">www.aija.org.au/acag05/</a> E-mail: <a href="mailto:megan_greenwood@agd.nsw.gov.au">megan_greenwood@agd.nsw.gov.au</a>
Refresher Course for Additional Sessions Judges	November 26 – 27 Delhi, India	Delhi Judicial Academy Website: <a href="http://www.judicialacademy.nic.in">www.judicialacademy.nic.in</a> E-mail: <a href="mailto:dja@nic.in">dja@nic.in</a>

## December

Conference	When and Where	Contact
Refresher Course for Metropolitan Magistrates	December 3 – 4 Delhi, India	Delhi Judicial Academy Website: <a href="http://www.judicialacademy.nic.in">www.judicialacademy.nic.in</a> E-mail: <a href="mailto:dja@nic.in">dja@nic.in</a>

*Would you like news of your event to reach more members of the judicial education network?*

*Please share your information by sending an e-mail to [cjei@dal.ca](mailto:cjei@dal.ca)*

# Philippine Judicial Academy Update

Written by Ma. Melissa Dimson— for more info see <http://philja.supremecourt.gov.ph>

## A. SPECIAL FOCUS SEMINARS: e-LEARNING PILOT PROJECT FOR THE JUDICIARY

In its efforts to explore new methods of providing training for the Judiciary through the use of the internet for a faster, efficient and interactive delivery of continuing judicial education, PHILJA, in coordination with the United States Agency for International Development (USAID), The Asia Foundation (TAF), and Asian Development Bank (ADB), with CrimsonLogic Phils., Inc. as the IT solutions provider, launched two (2) e-Learning modules under its e-Learning Pilot Project for the Judiciary on December 1, 2004, at the Hyatt Regency Hotel. The e-Learning Pilot Project for the Judiciary is an online distance learning program allowing judges from selected First and Second Level Courts nationwide to learn about new practices and opinions on legal issues relating to the Rules on Electronic Evidence and Psychological Incapacity in Marriage. This method of distance education allows the participants to undergo judicial education without leaving their stations. Currently, the PHILJA brings judges from all over the country to attend the various courses offered by the Academy. This method was not designed, however, to replace the traditional modes of face-to-face instruction, but to complement it. This venture to use the internet as a mode of providing judicial education is a first for PHILJA, which shows that it is getting attuned to technology and is continuously looking for cost-effective means to provide judicial education.

## B. PROFESSORIAL COMPETENCY PROGRAM: PLENARY ASSEMBLY OF THE CORPS OF PROFESSORS

The 6<sup>th</sup> Plenary Assembly of the Corps of Professors with the theme, "Judicial Education and Judicial Learning," was held on March 16, 2005, at the Hyatt Hotel, Manila. This was conducted by the Academy, in partnership with Canada's National Judicial Institute (NJI). The assembly provided Canadian and Filipino judicial educators an avenue to exchange experiences and views on developments in judicial education curricula, instructional strategies and methodology in course design and delivery, and current thinking on the role of evaluation in judicial education and evaluation methodologies. A total of forty-one (41) members of the Corps of Professors, composed of fifteen (15) Department Chairpersons and Vice Chairpersons, eleven (11) Department Members, and fifteen (15) PHILJA Professors attended the activity. In her Statement of Purpose and Orientation, Justice Ameurfina A. Melencio Herrera, PHILJA Chancellor, noted that inasmuch as the Academy would profit from NJI's experience on the participatory methods of judicial and skills-based education, it is incumbent upon the Corps of Professors to apply what is relevant to the needs of our judges and court personnel. Fr. Ranhilio C. Aquino, Head of PHILJA's Academic Affairs Office and Chair of the Ethics and Judicial Conduct Department; Prof. Sedfrey M. Candelaria, Head of the Research, Publications and Linkages Office and Chair of the Special Areas of Concern Department; and DCA Jose P. Perez, Member of the PHILJA Court Management Department and Deputy Court Administrator of the Supreme Court, gave brief presentations of judicial education and court personnel programs, focusing on highlights, new developments, and emerging trends in PHILJA courses, such as the use of case studies, solving hypotheticals, clearing houses, social context, and the multi-disciplinary approach. Mr. George Thomson, NJI Executive Director, lectured on the principles of judicial education that lead to a "permanent, preserved curriculum that constantly changes." Ms. Brettel Dawson, NJI Academic Director, introduced the Delphi process of determining judicial skills, or having judges select from an inventory of skills that they want to develop and matching appropriate courses thereon. Thereafter, both proceeded to share the concept of skills-based learning in the context of adult learning. Both emphasized that lectures and/or demonstrations alone do not work. The Closing Remarks was delivered by Justice Ricardo C. Puno, who reiterated Mr. Thomson comment on PHILJA, that it is "one of the world leaders in developing judicial education."

## C. ON PHILJA: CREATION OF THE ADR AND SHARI'A AND ISLAMIC JURISPRUDENCE DEPARTMENTS

The Supreme Court *En Banc* approved on April 5, 2005 two (2) PHILJA resolutions: A.M. No. 05-3-24-SC-PHILJA or the creation of the Department of Alternative Dispute Resolution (ADR), and A.M. 05-3-30-SC-PHILJA or the conversion of the Shari'a Law and Jurisprudence Committee into the Department of Shari'a and Islamic Jurisprudence. These two (2) Departments are new additions to the twelve (12) regular departments of PHILJA's Academic Council.

*Cont'd on next page*

# The Right Honourable Telford Georges Memorial Award



*Dr. N.R. Madhava Menon  
Director of the  
National Judicial Academy of India*

The Honourable Chief Justice of India, Mr. Justice R.C. Lahoti, was on hand to award these two deserving candidates: Dr. N.R. Madhava Menon, Director of the National Judicial Academy of India, and Chaudhry Hasan Nawaz, Director General of the Federal Judicial Academy of Pakistan. The Right Honourable Telford Georges Memorial Award was created to honour the memory of a great friend to the CJEI. The award recognizes valuable services in the field of continuing judicial education. The award ceremony took place in Delhi, India, on March 14 2005. Mr. Nawaz is a previous CJEI Fellow (ISP programme 2002) and has led a distinguished career as a judge and a law teacher. Dr. Menon has gained the respect of his peers for his strong commitment to judicial education.



*Chaudhry Hasan Nawaz  
Director General of the  
Federal Judicial Academy of Pakistan*

## Phillipine Judicial Academy Update: cont'd

### D. MEDIATION: 2<sup>nd</sup> PHASE OF THE COURT OF APPEALS MEDIATION PROJECT

The 2<sup>nd</sup> Phase of the Court of Appeals Mediation Project: Internship Program for Newly-Trained Mediators in the Court of Appeals is now in progress. Pursued by the Philippine Judicial Academy (PHILJA) through the Philippine Mediation Center (PMC), in cooperation with The Asia Foundation (TAF), the project will run from March 7 to November 30, 2005 and aims to institutionalize the Academy's initial undertakings in the Court of Appeals Mediation. PHILJA, in the implementation of the 2<sup>nd</sup> Phase of the Court of Appeals Mediation Project, is expected to carry out the establishment of the PMC-CA Units, to perform case inventory, select cases for mediation, prepare case briefs, brief newly-trained mediators, and hold Settlement Months or the Internship Proper. PHILJA initiated this project through the Pilot Testing of Mediation in the Court of Appeals (CA) Project, which was approved by the Supreme Court *En Banc* in A.M. No. 02-2-17-SC, dated April 16, 2002. Among its objectives are to prove the viability of Mediation in appealed cases before the Court, to test the rules governing the Mediation process in appealed cases, and to discover the most efficient manner to implement the Mediation program. A "Settlement Month" was conducted from October 15 to November 16, 2002 to pilot-test the efficacy of Mediation in settling disputes in the Court of Appeals. The success of the pilot-test showed the acceptability and efficacy of mediation in resolving disputes even in the appellate stage. Result was that, of the total 105 cases that underwent mediation, 70 cases or 67% reached a compromise agreement, while 35 cases or 33% failed to arrive at a settlement. The said settlement rate is equivalent to the adjudicative rate of one (1) whole division of the Court of Appeals. It also contributed to the reduction of cases congesting the court system since cases settled under the Mediation program can no longer be appealed to the Supreme Court. With the success rate of the pilot test, the Supreme Court approved the Revised Guidelines for the Implementation of Mediation in the Court of Appeals on March 23, 2004. This was considered to be one of the Academy's major breakthrough towards the institutionalization of mediation in the CA.

## Introducing the new Editor: The Honourable Justice Madan Bhimarao Lokur

Justice Lokur was born in 1953. At the undergraduate level, he studied History at St. Stephen's College at Delhi University. He obtained his LLB degree from Delhi University in 1977, and enrolled as an advocate later that year. He has practiced before the Supreme Court of India and the Delhi High Court. Justice Lokur has vast experience in the areas of civil proceedings, criminal prosecution, constitutional law, revenue and service law. He was appointed Junior Standing Counsel for the Income Tax Department in 1981. He has acted as editor for the ILR from 1983 until his elevation. From 1990 to 1996, he was Central Government Standing Counsel. During this period he covered a variety of cases, noticeably criminal trials for economic offences. In 1997 he was designated Senior Advocate. In 1998, he was appointed as Additional Solicitor General of India. The following year he was appointed as an Additional Judge of the Delhi High Court, where he now sits as a Permanent Judge. Since his appointment, he has taken keen interest in the activities of the Delhi Judicial Academy and has been a resource person in several workshops/courses conducted by the National Judicial Academy in Bhopal. He has also been working on the computerization of the courts in Delhi, both the Delhi High Court and the Delhi District Courts. Further, his work addresses modernizing the judicial system and introducing case management and ADR. Of late, he has been actively associated with the activities of the Delhi Legal Services Authority.

*For more information on the Delhi High Court, please visit:*

*<http://delhihighcourt.nic.in/>*



*Justice Lokur  
(photo courtesy of the Delhi High  
Court)*