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Message from the Editor

Despite several years of continuing efforts on the part of CJIE and sister institutions in different countries, supply of trained judicial educators could not cope up with the rising demand, particularly in some of the Commonwealth countries. This was the unanimous view of 18 Directors of Indian Judicial Academies who assembled recently for a conference on "Revisiting Judicial Education and Training" at the National Judicial Academy, Bhopal, India.



Prof. N.R. Madhava Menon

The present practice in India is to manage judicial education and training with visiting faculty drawn from the Judiciary, academia and professions. Co-ordination has been difficult and impact far from satisfactory. Research has been minimal and that too, fragmented. At the same time, expectations from the Judicial Academies have been high and demanding. It seems that the future of judicial academies depends to a large extent on their ability in overcoming this challenge in a manner that is acceptable to the judiciary, while being efficient and cost-effective.

Judicial reform continues to engage the attention of authorities everywhere, largely prompted by the delay and arrears in the system and the consequent denial of access to justice for many outside the system. Judicial educators and judicial academies have a significant role to play in giving research and consultancy support in judicial reform proposals. It is a function much beyond judicial education and training.

In short, the agenda for judicial academies in coming years can be as broad or as short as the judicial educators' desire.

Message from the Chair



Nova Scotia in the Fall

Fall Greetings! To me this is the most beautiful time of the year in Nova Scotia with the deciduous tree foliage turning glorious orange and crimson red colours against the dark green conifers. I wish you could all be here with me to see the spectacle. It uplifts the heart.

I have had three wonderful experiences since our last newsletter of which I want to tell you. The first is that I attended the Meeting of Senior Officials of Commonwealth Law Ministries and the Meeting of Law Ministers and Attorneys General of Small Commonwealth Jurisdictions in London and made presentations on behalf of CJEI detailing our past and future work. You will be pleased to know that, in the words of Secretary-General Kamalesh Sharma, “the presentations were well-received and appreciated by all”. He also referred to CJEI as “one of our valued partner organizations” and “we look forward to continue working with the CJEI in strengthening judicial education across our membership”.

I took advantage of my visit to London to call on the Judicial College of England and Wales. Unfortunately, Justice John Phillips and Professor Jeremy Cooper were not in London that day. However, I had the pleasure of meeting Sheridan Greenland OBE, Executive Director, who not only me showed me around their new premises but updated me on their work activities. I believe alone in the Commonwealth, the Judicial College has taken on the training of members of administrative tribunals – an inspiration to us all. Their work in this and other areas is outstanding and you may find more details in an article in this edition of the Report and on their website <http://www.judiciary.gov.uk/training-support/judicial-college>.

I was honoured to be invited to participate in the 3rd Biennial Caribbean Association of Judicial Officers (CAJO) Conference which brought together jurists from the Caribbean including Bermuda, Suriname and Dutch Antilles. It was an outstanding event demonstrating good judicial education methodology and I was proud of the involvement of so many CJEI Fellows. Needless to say, the education programme was balanced by pleasurable social events and culminated in a reception at the striking new Bridgetown Courthouse hosted by the Honourable Chief Justice Marston Gibson.

I would like to mention our gratitude for the special support given to us recently by the following Patron Chief Justices: The Rt. Hon. Beverley McLachlin of Canada, The Rt. Hon. Lord Judge of England and Wales, The Hon. Chief Justice Zaila McCalla of Jamaica, The Hon. Chief Justice Iftikhar Muhammad Chaudhry of Pakistan and The Hon. Chief Justice Mogoeng Mogoeng of South Africa.

Please continue to keep in touch with us so that we can better use this Report to network on judicial education challenges, priorities and programmes.



Judge (R) Sandra E. Oxner, O.C.

CJEI Patron Chief Justices Meet in South Africa



Chief Justices and Justices in Attendance

The CJEI's Patron Chief Justices' Meeting took place at the eighteenth Commonwealth Law Conference in Cape Town, South Africa on April 14, 2013. Hosted by the Honourable Chief Justice Mogoeng Mogoeng of South Africa, the meeting was attended by the following: The Honourable Sir Marston Gibson K.A., Chief Justice, Barbados; The Honourable Robert S.M. Dossou, President, Constitutional Court, Republic of Benin; The Honourable Chief Justice Maruping Dibotelo, Botswana; The Honourable Mr. Abderahim Berime Hamid, President, Supreme Court, Chad; The Honourable Justice Jerome Kitoko Kimpele, First President, Supreme Court, Democratic Republic of Congo; The Right Honourable Lord Judge, Lord Chief Justice, England and Wales; H.E. Mr. Serafin Ondo Maye, Magistrate, Supreme Court of Justice, Equatorial Guinea; The Honourable Ato Tegene Getaneh Kifle, President, Federal Supreme Court, Ethiopia; The Honourable Chief Justice Christopher Gardner, QC, Falkland Islands; The Honourable Carl Singh, Chancellor, Supreme Court, Guyana; The Honourable Chief Justice Zaila McCalla, Jamaica; The Honourable Acting Chief Justice Tseliso Ephraim Monapathi, Lesotho; The Right Honourable Mr. Justice Tan Sri Richard Malanjum, Chief Judge of Sabah & Sarawak, Malaysia; The Right Honourable Mr. Justice Tan Sri Md Raus Sharif, President, Court of Appeal, Malaysia; Mr. Brahim Zaim, President of Chamber, Head of the Modernization & Future Prospects Department, Morocco; The Right Honourable Dame Sian Elias, Chief Justice, New Zealand; The Honourable Chief Justice Aloma Mariam Mukhtar, GCON, Nigeria; The Honourable Sir Declan Morgan, Lord Chief Justice, Northern Ireland; The Honourable Sir Salamo Injia, Kt., Chief Justice, Papua New Guinea; His Right Hon. Masoud Mohamed Al-Ameri, President, Court of Cassation & President, Supreme Judiciary Council, Qatar; The Right Honourable Lord Gill, Lord President, Scotland; The Honourable Chief Justice Fredrick Egonda-Ntende, Seychelles; The Honourable Chief Justice Sundaresh Menon, Singapore; The Honourable Chief Justice Mohan Peiris, P.C., Sri Lanka; The Honourable Chief Justice Mohammed Chande Othman, Tanzania; The Honourable Chief Justice Ivor Archie, Trinidad and Tobago; The Honourable Lady Justice L.P. Chibesakunda, Acting Chief Justice, Zambia; The Right Honourable Sir Dennis Byron, President, Caribbean Court of Justice & President, CJEI; The Honourable Judge (R) Sandra E. Oxner, Chairperson, CJEI; The Honourable Madam Justice (R) Yvonne Mokgoro, Director, CJEI; and The Honourable Madam Justice Leona Theron, Director, CJEI.

The Honourable Chief Justice Mogoeng Mogoeng chaired the meeting and welcomed those attending. After the opening speech by the Honourable Chief Justice of South Africa, The Right Honourable Sir Dennis Byron chaired a session on CJEI's past two years' work and future plans. Madam Justice Leona Theron presented the CJEI work plan and ongoing activities of the Institute. Chief Justice Ivor Archie outlined the work being done on Draft Guidelines on Judges and Social Media.

The education component of the meeting was broken down into three parts. The first topic, "Principles and Techniques to establish and run a Successful Judicial Education Body" was presented by Judge (R) Sandra E. Oxner. She outlined the components of a successful judicial education body and the principles and techniques to establish and run such a body.

The second topic "Enforcing the Human Right to Clean Air and Water" was presented by Dr. David R. Boyd, Adjunct Professor, Resource and Environmental Management, Simon Fraser University with the Honourable Mr. Justice Siraj Desai, Western Cape High Court of South Africa as the commentator. Dr. Boyd outlined the potential case issues relating to the rights to clean water, clean air and a healthy environment and the judicial techniques to protect these constitutional rights.

The third topic "The Impact of Developing Technologies on the Law and Court Processes – Cyber Bullying" was presented by Professor A. Wayne MacKay, Schulich School of Law, Dalhousie University with the Honourable Judge President Dunstan Mlambo, North & South Gauteng High Court of South Africa as the commentator. Professor MacKay defined the contemporary issue of cyber bullying and its impact and outlined the existing legal responses to cyber bullying and the need for creative judicial techniques to meet the challenges.

This meeting also involved a private discussion by the Chief Justices on issues of interest to Commonwealth judiciaries. Some of the areas discussed included: "Independence of the Judiciary – Preservation and Pressures"; "Availability of suitable Judicial Education and Training Programme"; "Methods of Active Case Management"; "Use of Judicial Codes of Conduct"; "Selection and Promotion of Judicial Officers"; "Financing and Administration of Court Initiated Programmes and Projects"; "Budgets or Funding for Judiciaries"; "Salary and Protocol Issues"; and "Relations between the Judiciary and the Executive - Can helpful techniques be gleaned from Commonwealth Experience?"

The meeting ended with a luncheon and memorable excursion to Robben Island graciously hosted by the Honourable Chief Justice Mogoeng Mogoeng.

Participants indicated that once again it was a useful and productive event and requested more time be set aside for the private Chief Justices' discussion at the next session. We are grateful to Lord President Gill of Scotland for his kind invitation to host the next meeting in Glasgow, Scotland in 2015.

20th Annual Intensive Study Programme for Judicial Educators

The CJEI organized its twentieth annual Intensive Study Programme for Judicial Educators (ISP) from June 2 – 21, 2013. Under the direction of The Honourable Mr. Justice Adrian Saunders, Former Chief Justice of OECS & Judge of the Caribbean Court of Justice, the programme was attended by five participants: The Honourable Chief Justice Christopher Gardner, QC, Falkland Islands; The Honourable Mr. Justice Duncan Gaswaga, Supreme Court, Seychelles; The Honourable Justice Dr. Chifundo J. Kachale, Chairperson, Judicial Training Committee, Malawi; The Honourable Mr. Justice Bernard Sakora, Supreme Court, Papua New Guinea; and The Honourable Miss Justice Jennifer Straw, Supreme Court, Jamaica.

Participants spent the first two weeks completing the study component of the programme at Schulich School of Law, Dalhousie University in Halifax. The programme topics included: judicial education reform; providing instruction for adults; review of functions, objectives, definition and levels of judicial education; targets of judicial education; discussion of structures of judicial education bodies; discussion of national standards and objectives; judgement writing; impact of developing technologies on the law and court processes - cyberbullying; human right to clean air and water; developing and presenting blended learning programmes; curricula development; processes of programme development; judicial communication; long range judicial education planning; judicial education and other guidelines for first level court judges in career path judiciaries; judicial impartiality; judicial ethics; judicial performance feedback; portrayal of judges in film; and importance and methodology of programme evaluation.

The final week of the programme was spent in Ottawa and Toronto. At Ottawa, the participants spent their time visiting the Supreme Court of Canada, the Superior Court of Justice, the Office of the Commissioner for Federal Judicial Affairs, the Canadian Judicial Council and the National Judicial Institute. In Toronto they visited the specialized courts at Old City Hall (Drug Treatment Court, Mental Health Court, Aboriginal Persons Court) and Osgoode Hall.

In addition to the rigorous academic sessions, there were social events such as the reception hosted by His Honour Brigadier-General the Hon. J.J. Grant (Ret'd), Lieutenant Governor of Nova Scotia at Government House and reception hosted by The Honourable Ross Landry, Minister of Justice at Province House.

The evaluations received from the participants were very positive. Many participants commented on the expertise of the facilitators, expressing a desire to delve further into many of the topics covered. Several commented on the usefulness of the materials and discussions, noting that the experience will serve as a solid resource in their home countries and can be adapted to accommodate different legal systems. Specifically, the participants praised the informative and diverse content of the course and felt that their attendance at the Intensive Study Programme would directly improve their ability to face the challenges of judicial education / judicial reform in their home jurisdictions.



Participants with Their Honours Brigadier-General the Hon. J.J. Grant (Ret'd), Lieutenant Governor of Nova Scotia & Mrs. Joan Grant

Judicial Appointments Commission Proposed in India

Prof. N.R. Madhava Menon

Seeking to depart from the existing practice of appointment through an exclusive collegium of Judges presided by the Chief Justice, the Government of India has introduced The Judicial Appointments Commission Bill, 2013 in the Indian Parliament constituting a new mechanism for appointment of persons as Chief Justice of India and other Judges of the Supreme Court as well as Chief Justices and other Judges of High Courts. India has one Supreme Court with 31 Justices including the Chief Justice and 21 High Courts located in different States with over 800 Justices in them.

Procedure Modified through Interpretation:

According to the written text of the Indian Constitution, the Judges of the Supreme Court and High Courts are appointed by the President, in his capacity as Chief of the Executive branch of the Union Government (Articles 124 and 217 of the Constitution). The President is required to hold “consultation” with such of the judges of the Supreme Court and of the High Courts in the States as he may deem necessary for the purpose.

The Supreme Court in a judgment rendered by it in 1994 (Supreme Court Advocates-on-Record Association Vs. Union of India, AIR 1994 S.C.268) and in an Advisory Opinion given by it in 1998 had interpreted the relevant Articles [Article 124(2) and Article 217(1)] with respect to the meaning of “consultation” as “concurrence”. In other words, without the concurrence of the Chief Justice of India, no appointments could be made by the President either to the Supreme Court or to the High Courts. The Supreme Court also held that the consultation with the Chief Justice meant consultation with a collegium consisting of Chief Justice and two or four senior judges of the Court. This innovative and ingenious interpretation of the constitutional provisions has resulted in the existing practice of appointment by an exclusive collegium of judges to the Supreme Court and High Courts. Judges appointing judges is perhaps unique in the judiciaries of the world. The system which worked for two decades and more did raise questions in the recent past, because of some wrong choices which resulted in at least one impeachment proceeding in Parliament.

The Bill before Parliament is seeking to broad base the arrangement for appointments by giving a role to the Executive in the matter of selection of judges and making the process more transparent and accountable. Critics are pointing out that there is a risk of undermining judicial independence if, in constituting the Judicial Appointments Commission, greatest care is not exercised.

Constitution of Judicial Appointments Commission:

The composition of the Judicial Appointments Commission proposed under the Bill includes (a) the Chief Justice of India, an ex-officio Chairperson; (b) two other judges of the Supreme Court next to the Chief Justice of India in seniority as ex-officio Members; (c) the Minister in charge of Law and Justice in the Government of India as ex-officio Member; and (d) two eminent persons, to be nominated by the collegium consisting of the Prime Minister, the Chief Justice of India and the Leader of the Opposition in the Lower House of Parliament, as Members. It makes participation equal between the Judiciary and the Executive in the matter of selection of judges to the superior courts.

The Bill is now under consideration of a select committee of Parliament. If and when it is enacted and notified, it will make a radical departure in the system of selection and appointment of judges to superior courts in the country. Public opinion is divided on the matter though legislative opinion, based on reactions of political parties, seems to be overwhelmingly in favour of the provisions of the Bill.

Visit to Judicial College of England and Wales

On Friday, September 13, 2013, I was received at the Judicial College by its Executive Director Sheridan Greenland OBE.

The vision of the Judicial College is to become and be recognised as a world leader in judicial education.

The purpose of the College is to provide induction and continuation training of the highest professional standard for 37,000 judicial office holders, thereby enabling them to discharge their judicial functions effectively and also enhancing public confidence in the justice system. Training is provided nationally and regionally. Between April 2012 and March 2013, 473 courses were delivered. Courses vary in length from one-day non-residential to four day residential training and in size from 20 to over 100 participants. The College's annual expenditure is £10,869,000.



Sheridan Greenland OBE

We view Judicial training as having three elements:

- substantive law, evidence and procedure and, where appropriate, subject expertise;
- the acquisition and improvement of judicial skills including, where appropriate, leadership and management skills; and
- the social context within which judging occurs.

A variety of training methods are used including residential training events, small group sessions, e-letters and distance learning programmes. Our Learning Management System has now been launched to support course delivery and judges are able to book themselves onto our prospectus courses.

3rd Biennial CAJO Conference



Justice Adrian Saunders

The 3rd Biennial Conference of the Caribbean Association of Judicial Officers (CAJO) was held from 26 – 28 September, 2013 at the Accra Beach Hotel and Spa in Bridgetown, Barbados. The programme committee under the direction of Justice Adrian Saunders, CAJO Chairman, comprised Justice Desiree Bernard, Justice Jacob Wit, Justice Christopher Blackman, Ms. Lee Cabatingan and CAJO Secretary Ms. Sandra Dee Brown. The theme of the conference was “Equality, Justice and Caribbean Realities – The Way Forward”. The conference was an outstanding success and attracted 150 delegates and presenters. Keynote addresses were given by Ms. Tracy Robinson, Senior Lecturer, Faculty of Law, University of the West Indies and Professor Norman Girvan, Professor Emeritus, University of the West Indies.

Session topics included “Gender Justice over Time”; “Is the jury system under threat and should it be maintained?”; “Insolvency in the Caribbean; problems and solutions”; “The role of IT in efficient case management and delay reduction”; “Prosecutorial discretion and Caribbean constitutionalism”; “Judicial techniques to enhance efficiency in the delivery of justice”; “Protection of the rights of children and minorities in the Commonwealth Caribbean”; “Balancing your personal and professional life”; “Are our legal systems equipped to redress endemic corruption and other threats to the integrity of Caribbean States?”; “Integration and Migration within CARICOM: The CSME as an

instrument of transformation and change”; “User-friendly delivery of justice”; “Judicial Officers and the Media”; “ADR and the role of the non-lawyer in the settlement of disputes”; and “Human trafficking in the Caribbean”.

Presenters included: Hon. Chief Justice Zaila McCalla, Jamaica; Hon. Chief Justice Ken Benjamin, Belize; Judge Murray Shanks, UK; Hon. Justice Andrew Burgess, Barbados; Hon. Justice David Hayton JCCJ, Trinidad and Tobago; Hon. Chief Justice Ian Kawaley, Bermuda; Mr. Edward Davis Jr, Certified Fraud Examiner, USA; Hon. Chief Justice Ivor Archie, Trinidad and Tobago; Rt. Hon. Sir Dennis Byron, President, CCJ, Trinidad and Tobago; Mr. Jim Rebo, Former Director of Information Systems, New Jersey, USA; Mr. Greg Girard, Court Administrator, Eastern Caribbean Supreme Court; Hon. Mme. Justice Carla Brown-Antoine, Trinidad and Tobago; Hon. Mr. Justice Jacob Wit, JCCJ, Trinidad and Tobago; Ms. Gillian Lucky, Director Police Complaints Authority, Trinidad and Tobago; Hon. Mr. Justice Geoffrey Henderson, Trinidad and Tobago; Dame Janice Pereira, Hon. Chief Justice, Eastern Caribbean Supreme Court; Ms. Camille Gomez, Assistant Registrar, The Bahamas; Hon. Mr. Justice Bryan Sykes, Jamaica; Hon. Mme. Justice Desiree Bernard, JCCJ, Trinidad and Tobago; Ms. Se-shauna Wheatle, Stipendiary Lecturer in Law at Exeter College, Oxford; Dr. Rosina Wiltshire, CARICOM Advocate for Gender Justice, Guyana; Hon. Mme. Justice Roxanne George, Guyana; Hon. Chief Justice Sir Marston Gibson, Barbados; Mr. Frank Walwyn, Partner WeirFoulds, Canada; Sir Henry Forde QC, Barbados; Hon. Chief Justice Cynthia C.L.A. Valstein-Montnor, Suriname; Hon. Justice Winston Anderson JCCJ, Trinidad and Tobago; Prof. Dr. Kusha Haraksingh, Chairman CARICOM Competition Commission, Trinidad and Tobago; Dr. Indira Rampersaud, Equal Opportunity Commission, Trinidad and Tobago; Hon. Mr. Justice Christopher Blackman, Bahamas; Rt. Hon. Lord Kerr of Tonaghmore; Judge (R) Sandra Oxner, Canada; Mr. Jones Madiera, Manager Information and Protocol Division of the Judiciary of Trinidad and Tobago; Mr. Anthony Ross QC, Canada; Hon. Mr. Justice Carl Singh, Chancellor, Guyana; Hon. Mr. Justice Vashiast Kokoram, Trinidad and Tobago; Mr. Anthony Vierra, Certified Mediator and Senator, Trinidad and Tobago; Mr. Valdón Bend, Ombudsman, Barbados; Hon. Justice Sylvia Hinds-Radix, New York State Appeals Court, USA; Hon. Justice Janet Arterton, Federal Judge District of Connecticut, USA; Mr. Daniel Suter, Criminal Justice Adviser to the Eastern Caribbean, Barbados and Her Worship Ms. Ann-Marie Smith, Chief Magistrate, Belize.

At the Business Meeting of the Association, Justice Saunders was re-elected Chairman of the body and it was agreed that Jamaica will host the next biennial in 2015.



**Summary of Presentation on “User friendly delivery of justice”
by The Honourable Mrs. Justice Zaila McCalla, Chief Justice of Jamaica
at the 3rd Biennial Caribbean Association of Judicial Officers Conference**

Chief Justice Zaila Mc Calla defined “user friendly” as the ease with which people are able to use goods or service. Her presentation looked at the historic view of the court as hallowed halls with learned judges. From, “Sword and Rowe” she quoted Justice Marsh who lamented that, “...real source, the respect of the people...” Chief Justice Mc Calla expounded on respect- “respect meaning the realized expectation of justice seeker.” Her presentation followed with a deeper insight to communication as the vehicle through which the judge will deliver timely judgments. Judges should speak in the “common man” language excluding the legal jargons to eliminate the confusion as to what transpired in the court proceedings and judgment. She emphasized that explanation is crucial, even though dialect is not encouraged, it may be used as a last resort to effect good communication. Judges tone and body language must be properly disguised to adopt a neutral disposition. In addition a judge’s posture should display authority or control but be careful not to intimidate the evidence proceedings.

The need to use special needs intervention for the disabled users of the justice was crucial to facilitate a user friendly delivery of justice, the Chief Justice posited. Such intervention will indicate the extent to which the judicial officers will go to affect a user friendly delivery of justice.

CJEI Director Michael Deturbide wins the 2013 Walter Owen Book Prize



Michael Deturbide, CJEI Director

The co-recipients of the Foundation for Legal Research’s 2013 Walter Owen Book Prize are two of Canada’s leading information technology law experts. Teresa Scassa is the Canada Research Chair in Information Law at the University of Ottawa, and Professor in the Faculty of Law. Michael Deturbide is Professor and Associate Dean at the Schulich School of Law, Dalhousie University, and the Founding Director of the Law and Technology Institute.

The Walter Owen Book Prize is awarded by the Foundation for Legal Research and is designed to recognize excellent legal writing and to reward outstanding new contributions to Canadian legal literature that enhance the quality of legal research in this country.

In the words of David C. Day, Q.C., of the Selection Committee, "The authors have produced a seminal examination of Internet electronic commerce; singularly invaluable to all who earn their keep, across Canada, in law and commerce, and in university settings."

Entitled “*Electronic Commerce and Internet Law in Canada*” the book is an accessible and insightful work that provides both lay people and legal professionals with a full description of this rapidly changing landscape, including topics such as electronic contracts, the protection of personal information, consumer protection online, as well as trademark law and copyright law online.

The first edition of this book appeared in 2004 and became the reference on the subject. The second edition – for which the prize is awarded – goes beyond the changes in the field since then. It is essentially a new work that brings the reader up to date on the many ramifications brought about by the most recent developments in technology and communications.

“The book greatly contributes to the quality of legal research in Canada. The authors bring unique insight into a phenomenon that is transforming not only the way we practise law, but also the way we conduct business,” says the Chair of the Selection Committee, John N. Davis of Osgoode Hall Law School. “This work is the authority on Internet electronic commerce in Canada.”

Michael Deturbide holds undergraduate degrees and an LLM from Dalhousie University, and was admitted to the Nova Scotia Barristers’ Society in 1991. Professor Deturbide is co-editor-in-chief and co-founder of the *Canadian Journal of Law and Technology*. He has helped establish several innovative programs at Dalhousie University, including the Master of Electronic Commerce Program. He has lectured at universities and technology law conferences in Canada, the US, Mexico, Europe, and Australia, and has been a consultant to the Canadian government.

Teresa Scassa holds undergraduate law degrees in civil and common law from McGill University, as well as a Masters and a Doctorate in law from the University of Michigan. She is a founder and former editor of the *Canadian Journal of Law and Technology*, author of the book *Canadian Trademark Law* (LexisNexis 2010) and co-author of *Electronic Commerce and Internet law in Canada* (CCH Canadian Ltd. 2012). She is a member of the External Advisory Committee of the Office of the Privacy Commissioner of Canada, and of the Canadian Government Advisory Committee on Open Government.

The Walter Owen Book Prize, awarded by the Foundation for Legal Research, is designed to recognize excellent legal writing and to reward outstanding new contributions to Canadian legal literature that enhance the quality of legal research in this country. The award takes the form of a \$10,000 cash prize funded by the Foundation for Legal Research.

The prize will be presented at the Council Awards Luncheon on Saturday, August 17 at 12:30 p.m. in Gallery B of TCU Place. The luncheon is held during the 2013 CBA Legal Conference taking place in Saskatoon from August 17-20, and is open to accredited media. Please contact Hannah Bernstein for accreditation.

The Canadian Bar Association is dedicated to support for the rule of law, and improvement in the law and the administration of justice. Some 37,000 lawyers, notaries, law teachers, and law students from across Canada are members.

Source: http://www.cba.org/CBA/news/2013_releases/PrintHTML.aspx?DocId=52875

Governance Structure of CJEI

The governing committee of the Institute consists of the Right Honourable Sir Dennis Byron, President; the Honourable Justice Madan B. Lokur, Vice President; Judge (R) Sandra E. Oxner, Chairperson; the Right Honourable Chief Justice Beverley McLachlin, Canada; the Honourable Chief Justice Ivor Archie, Trinidad & Tobago; the Honourable Justice Sophia Akuffo, Ghana; the Honourable Justice Rahila Hadea Cudjoe, Nigeria; the Honourable Justice Asif Saeed Khan Khosa, Pakistan; the Honourable Justice Yvonne Mokgoro, South Africa; the Honourable Justice Leona Theron, South Africa; the Honourable Justice Irene Mambilima, Zambia; the Honourable Judge Gertrude Chawatama, Zambia; Professor John A. Yogis, QC, Canada; Professor Michael Deturbide, Canada; and Mr. Larry Smith, C.A., Honourary Secretary/ Treasurer.

Chief Justices of the Commonwealth countries are Patrons to the Institute. The Executive Directors of Commonwealth judicial education bodies form an Advisory Board to the Institute.

THE HON. CHIEF JUDGE RAHILA HADEA CUDJOE RETIRES

CJEI Fellow (2006) and Director, The Honourable Justice Rahila Hadea Cudjoe, OFR, Chief Judge of Kaduna State, Nigeria retired on 6th October 2013. A trailblazer, she was the first woman appointed a Chief Judge in Nigeria. To mark the occasion, a book was written to chronicle her life and contributions to the legal system in Nigeria for over 40 years. Judge Oxner sent the following contribution:



Justice Rahila Cudjoe

“It is my great honour to have been asked to write a few words about the distinguished Commonwealth jurist Chief Judge Rahila Hadea Cudjoe on the occasion of her retirement from office. At the time when I was President of the Commonwealth Judicial Education Institute (CJEI), I sent a message to all Nigerian Chief Judges about our training of trainers’ programme which teaches judges skills required to provide or supervise interactive judicial education programming with measurable impact on improved judicial performance.

Shortly thereafter I was delighted to receive a phone call from the Chief Judge indicating her interest in attending. She did so and no one will be surprised to learn that in a class of senior and highly competent judges she was the leader. She became a CJEI Fellow in 2006 and an Institute Director in 2008. Outstanding in all her undertakings, it will not be considered a surprise to know that she has been a model Director creative, supportive and diligent in carrying out the Institute’s aims.

I had the great pleasure of visiting my friend Rahila in her Chief Judge’s Office in Kaduna. In her usual hospitable way, she presented me with a very beautiful Nigerian gown. Her impact on me and the Institute has been such that I needed no memento to remember her by but I very much cherish and proudly wear on special Commonwealth occasions this wonderful gift.

The Chief Judge may be retiring from office but she is wrong if she thinks that CJEI can do without her wise counsel and driving energy.

Both personally and on behalf of CJEI, I wish her the very best for a long and happy retirement and look forward to continuing to work together for the better administration of justice in the Commonwealth.

Sandra E. Oxner, Chairperson, Commonwealth Judicial Education Institute”

PICK OF THE QUOTES FOR WORK ETHIC

Compiled by Justice Roshan Dalvi, CJEI Fellow 2009



Justice Roshan Dalvi

A mind that is stretched to a new idea never returns to its original dimension.

- Oliver Wendell Holmes

Being willing to change allows you to move from a point of view to a viewing point – a higher, more expansive place from which you can see both sides. –

Thomas Crum

Ability is what you are capable of doing.
Motivation determines what you do.
Attitude determines how well you do it.

We can have facts without thinking, but we cannot have thinking without facts. - John Dewey

Errors should be reasons for growth, not excuses for discouragement.

People forget how fast you did a job; but they remember how well you did it. - Howard Newton

He who rejects change is the architect of decay. - Harold Wilson

There are 2 ways of meeting difficulties. You alter the difficulties, OR you alter yourself to meet them. - Phyllis Bottome

Nothing will ever be attempted if all possible objections must first be overcome. - Samuel Johnson

*Knowing is not enough; we must apply.
Working is not enough; we must do.*

- John Wolfgang Van Goethe

The policy of being too cautious is the greatest risk of all. - Jawaharlal Nehru

We struggle with the complications and avoid the simplicities.

You have got to do your own growing,
No matter how tall your father was.

The greatest mistake is trying to be more agreeable than you can be.
- Walter Bagehot

I have not failed.

I have only found 10,000 ways that do not work.

- Thomas Alva Edison

A good plan today is better than a perfect plan tomorrow. - George Patton

Justice is so subtle a thing that to interpret it one has only need of a heart. - Jose Gracie Oliver

Time is the scarcest resource and unless it is managed, nothing else can be managed. - Peter F. Drucker

The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low and achieving our work. – Michelangelo

The world is all gates, all opportunities.

No case is inherently complex or protracted. Cases are made complex or protracted by inefficient practices.
- Chief Judge Alfred Murrah, U.S. Federal Court.

The dynamics of judicial process depend much upon the shared benchmark Vision, Mission and Passion.

- Krishna Iyer, J.

A friend in Court; makes the matter short.

There should be less talk; a preaching point is not a meeting point. - Mother Teresa

Whenever you find that you are on the side of the majority, it is time to reform. - Mark Twain

IT ONLY TAKES A MINUTE,
To bring someone good cheer,
To wipe a fallen tear,
To lend a helping hand,
To try and understand,

To make and keep a friend,
Some broken heart to mend.
IT ONLY TAKES A MINUTE,
To brighten someone's day.
SO USE THIS VERY MINUTE,
Before it slips away.

*Each morning see some work begun;
Each evening see it close;
Something attempted, Something done;
Has earned a night's repose.*

Ultimately it is a matter of 10, 2-letter words
If it is to be,
It is up to me.

Impossible? No. I'm possible.

News and Notes

BOTSWANA (Submitted by Judge President Goemekgabo Loeto Tebogo-Maruping, CJEI Fellow 2000)

As part of our judicial education system in Botswana, we held a labour law conference in Kasane, Botswana on 22nd to 23rd July, 2013. The conference had the theme “Adapting International Best Practices in the Labour Judicial System”. We hosted the conference in conjunction with our USA partners from Phoenix Law School in Arizona who were able to send 4 professors to the conference. The participants included 2 Judge Presidents of the Labour Courts in South Africa and Botswana as well as a presentation made on behalf of Judge President Adejumo of the Nigerian Industrial Court (NIC) who was unable to participate in person but had prepared a valuable paper on labour law reforms in Nigeria. The other participants were also Judges and Registrars from Botswana, Zambia and Zimbabwe (High Court and Labour Courts) as well as technical partners from the International Labour Organization (ILO) office in Pretoria and the internal tripartite stakeholders in terms of the ILO set up i.e. Government (Attorney General), Employers Organization (BOCCIM) and Federation of Trade Unions (BFTU). We also had the participation of our local University of Botswana and the Commissioner of Labour. The conference was officially opened by the Vice President of the Republic of Botswana Hon. Dr. P.H.K. Kedikilwe and officially closed by the Minister of Labour and Home Affairs Hon. Mr. Edwin Jenamiso Batshu in a clear indication of support for the court by the Government of Botswana.

We are happy to report that the conference, which was the first such conference involving international participants since the Industrial court in Botswana was established in 1994, was a resounding success. We are hoping to host similar conferences in future with the support of our USA partners and the ILO as part of our continuing judicial education program. The topics covered at the conference were very relevant to what labour court judges have to deal with today and included the following: International Trade and its impact on the

employment relationship; Legal issues in migration and employment; International Labour Standards: Freedom of Association principles and their use by domestic courts; International Arbitration and Mediation; Mediation and Arbitration Systems in Botswana: A Case for Reform (CCMA or other Model?); Labour Disputes Resolution in Botswana Courts: A case for Reform; The South African Labour Law Dispute Resolution System: A Comparative Study; and Labour Law Reforms in Nigeria: Lessons to be learnt.

We came up with a total of 7 resolutions which we are working on together with our stakeholders so that we can report progress at the next conference.

INDIA (submitted by Prof. N.R. Madhava Menon)

Prof. (Dr.) Balram K. Gupta, a senior law teacher and advocate from Punjab has been appointed as the Director of the National Judicial Academy at Bhopal (Madhya Pradesh), India. He took over from Prof. K.N. Chandrasekharan Pillai.

India has at present one Judicial Academy at the National level under the Supreme Court and eighteen judicial academies at the provincial level under State High Courts.

Seeking to prepare judicial educators for the fast growing judicial academies in the country, a Conference of Directors of Judicial Academies called by the National Judicial Academy at Bhopal recently, proposed the introduction of a one year LL.M. Degree Programme in “Judicial Education, Training and Administration” at NJA, Bhopal. If it is approved by the Board of Management, it will be the first of its kind in creating a cadre of qualified judicial educators from the judiciary and outside it.

JAMAICA (submitted by Chief Justice Zaila McCalla, CJEI Fellow 2002)

Court Management Services

In 2006, the Government of Jamaica, through the Ministry of Justice (MOJ) and in collaboration with the Public Sector Modernization Division (PSMD), Cabinet Office targeted as priority, improvement in the justice system.

Among the considerations was for the Judiciary to be responsible for administrative, financial, budgetary and operational matters but have functional relationship with MOJ (as part of the Executive Branch of Government) for high level policy issues. Consequently, it was recommended that an independent Court Management Services (CMS) be established.

The CMS, which started in August 2009, serves as a means of facilitating a more efficient operation of the Court System, thereby improving the justice system, through the restructuring of the administrative framework and the strengthening of the judicial independence. The agency’s establishment is designed to enable the Judiciary and the Courts to have greater input in budgetary decisions and execution of activities surrounding the operations of the Courts.

The CMS is led by a Principal Executive Officer (PEO). The PEO has accounting officer status, making her answerable to Parliament for the accounting functions of the organization. The PEO reports to the Chief Justice of Jamaica, who is the head of the Judiciary and to Parliament in respect of accounting matters.

High Court Judge Delivers Sermon at Annual Assize Service

The Jamaican Judiciary staged the Annual Assize Service on Sunday, September 22, 2013 at the East Queen Street Baptist Church, Downtown Kingston. The service was held under the theme “**Justice Our Mission**”. This year’s service also commemorated the 40th Anniversary of the Jamaican Bar Association.

During her remarks, The Chief Justice of Jamaica, The Honourable Mrs. Justice Zaila McCalla, OJ reminded the judiciary that, “**despite the many challenges that we face**, we have to do the utmost to protect our people from injustices by dispensing justice in a fair and expeditious manner being mindful of the fact that each litigant expects that his or her matter will be resolved by the court without undue delay”.

She implored members of the Bar to always remember that they have been called to this noble profession to serve our people. “Remember the oaths you have taken to serve and carry out your duties with competence, fairness and integrity. Maintain a high standard of ethical behaviour especially at this time when a vast number of young persons are entering the profession”.

High Court Judge, The Honourable Mr. Justice David Fraser (pictured right) delivered the sermon for this year’s service while other members of the Jamaican Judiciary and legal fraternity also participated in the service.



The holding of the Assize Service is a European tradition dating back to the middle ages. The practice was exported to British colonies from about the 17th century and is a tradition which the Judiciary and legal fraternity in Jamaica has maintained. The service usually occurs on the Sunday preceding the opening of the Michaelmas Session of the Home Circuit Court each year. The purpose of this service is for the legal fraternity to gather in worship and invite spiritual guidance and blessing as the Court term commences.



The Honourable Mrs. Justice Zaila McCalla, Chief Justice of Jamaica (centre) along with The Honourable Mrs. Justice Hilary Phillips, Judge of Appeal greets Rev. Dr. Roy Henry, Pastor of the East Queen Street Baptist Church



L-R The Honourable Miss Justice Gloria Smith, Senior Puisne Judge; The Honourable Miss Justice Hilary Phillips, Judge of Appeal and The Honourable Mrs. Zaila McCalla, Chief Justice of Jamaica sing from programme at Annual Assize Service.

Annual Chief Justice's Stakeholders Forum

The Annual Chief Justice's Stakeholders Forum was held on Saturday, September 7, 2013 at the Knutsford Court Hotel in Kingston, Jamaica. The event was conceptualized to bring relevant stakeholders in the justice sector together in a forum facilitated by the Chief Justice to discuss pertinent issues affecting the justice system.

This year, the forum focused on **"The Court's Treatment of Children Who Come into Conflict with the Law."** The first Chief Justice's forum was held in 2011, in collaboration with CUSO International and examined issues concerning the treatment of Children who come in contact with the Courts as victims, witnesses and offenders.

In addressing participants, the Chief Justice of Jamaica, The Honourable Mrs. Justice Zaila McCalla, OJ encouraged the various agencies with responsibility for dealing with children in the justice system to become more vigilant and steadfast in safeguarding our children's rights as mandated by the Child Care and Protection Act.

She said that information exchange is crucial and the judiciary is fully aware of this fact, and it is through engagements such as these that they get an opportunity to present the reality of the Courts while getting much needed feedback from valued stakeholders. She stressed that persons in the court system must continue on a path of change by becoming more attuned to the various sensitivities in dealing with children in Court, while being fully cognizant of the psychological impact the process has on them.

The Chief Justice encourage stakeholders to find strengthened resolve in the knowledge that they are providing much needed assistance to a most vulnerable group and in so doing are assisting to build the future of our nation.

Presentations were delivered by Her Honour Mrs Paula Blake Powel, Senior Resident Magistrate, Kingston and Saint Andrew Family Court and Mrs. Diahann Gordon Harrison, Children's Advocate (Jamaica).

Participants included several Resident Magistrates, Representatives of the Office of the Director of Public Prosecutions, Ministry of Justice, the Private Bar, Office of the Children's Advocate, Child Development Agency, The Kingston and St. Andrew Family Court among others.



The Hon. Mrs. Justice Zaila McCalla, OJ (Chief Justice) visits the booth of the Centre for the Investigation of Sexual Offences & Child Abuse (CISOCA), one of the many participants in the annual Chief Justice's Stakeholders Forum



The Hon. Mrs. Justice Zaila McCalla, OJ (Chief Justice) shares a light moment with Minister of Justice, Sen. the Hon. Mark Golding at the Chief Justice's Stakeholders

Minister of Justice, Senator the Honourable Mark Golding was also in attendance and provided insight on the various programmes the Ministry was undertaking to address some of the issues affecting Children in conflict with the law.

Order of Distinction in the Rank of Commander (CD)

Congratulations to The Honourable Mrs. Justice Norma McIntosh, Judge of Appeal, The Honourable Miss Justice Hillary Phillips, Judge of Appeal, The Honourable Miss Gloria Smith, Senior Puisne Judge (CJEI Fellow 2003), The Honourable Mr. Justice Horace Marsh and The Honourable Mr. Justice Donald McIntosh, Puisne Judge (Retired) on being awarded the Order of Distinction in the Rank of Commander (CD) for service to the Judiciary. The awards presentation will take place on National Heroes Day which will be celebrated on Monday, October 21, 2013.

LESOTHO (submitted by Madam Justice N. Majara, CJEI Fellow 2008)

The High Court and Subordinate Courts of Lesotho have just launched the electronic case management system and tracking of records whose main aim is to distribute and allocate cases more equitably, curb misfiling and loss of files, give accurate reports on statistics and act as a tool for the public to know the status of each case and to assess which courts are more efficient than others in their disposal of cases and timely delivery of judgments. It is also aimed to reduce the huge backlog of cases in that all judicial officers will be able to compare their performance with that of others and to hopefully use that as a yardstick to improve their own performance.

Last year the judiciary launched specialized Land Courts which are dealing exclusively with land and all property related matters. The Court has its own rules whose main objective is to ensure speedier and more efficient service to the general public, especially those than cannot afford legal representation.

Our newly established Court annexed mediation is also yielding excellent results in the reduction of the case load at lesser cost with speedier results in that a lot of matters are now being settled out of Court.

The Commercial Court is now fully up and running and is reportedly doing very well in terms of its quick disposal of cases which bodes well for our economy as it is bound to assure foreign investors that they are guaranteed speedy resolution of cases by the Court.

Chief Magistrate M. Makara (CJEI Fellow 2008) has been appointed Acting Judge of the High Court effective from December 2012.

PAKISTAN (submitted by Parvaiz Ali Chawla, Director General, Federal Judicial Academy & CJEI Fellow 2010)

The vision of Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan/Chairman Board of Governors of the Federal Judicial Academy about judicial education and its importance is reflected from the fact that judicial education in Pakistan is taking new heights by introducing such programmes. The successive international judicial conferences held under the auspices of the Law and Justice Commission of Pakistan,

were having a judicial education group to discuss the emerging issues of this field. The Academy is actively participating in every such activity to raise the standard of judicial education in Pakistan. The Hon'ble Chief Justice of Pakistan always takes keen interest in the activities of the Academy and for that matter Hon'ble Mr. Justice Tassaduq Hussain Jillani (CJEI Fellow 2010), Judge, Supreme Court of Pakistan/Judge Incharge (Academics) and Mr. Justice Nasir-ul-Mulk (CJEI Fellow 1999), Judge, Supreme Court of Pakistan/Judge Incharge (Administration) have been associated with the Academy to look after its activities and to apprise the Hon'ble Chairman about further progress.



Hon'ble Mr. Justice Tassaduq Hussain Jillani (CJEI Fellow 2010), Senior Puisne Judge, Supreme Court of Pakistan/Judge In charge (Academics), FJA (first row center) with Judicial Officers at FJA

After establishment of the provincial judicial academies in the provinces of Pakistan, the Board of Governors of the Academy has realized the importance of uniform in-service training programmes for judicial officers and others at federal level. In a number of meetings of the Board of Governors, it has been realized and resolved that the Federal Judicial Academy being a prime judicial education institute in Pakistan must focus on in-service training programmes, workshops and other needs of the justice sector so that the resources are not overlapped at federal and provincial levels. The Academy has thus prepared the calendar focusing on in-service training needs of judges, magistrates, law officers and court personnel.

Previously, the training programs were decided to be for a period of minimum six days each so that the trainees who come from all over the country can give more time together on issues of mutual interest relating to justice sector. The Academy planned 24 training programs for the Annual Judicial Education Course Calendar 2012-13 and 25 programmes successfully while 584 participants (judges, magistrates, law officers and court personnel) got training at the Academy, which is the maximum number of trainees during a calendar year since inception of the Federal Judicial Academy. In addition to its approved scheduled programmes, the Academy has conducted three one week colloquiums on "Modern Investigation and Evidence Gathering Techniques in a Changing Criminal Justice and Counter Terrorism World" for Special Judges of Anti Terrorism Courts, Prosecutors and Investigation Officers from all over Pakistan in collaboration with the British High Commission, U.S. Department of Justice and Australian Federal Police and two workshops/seminars in collaboration with UNDP and British High Commission. With the special permission of the Hon'ble Chief Justice of Pakistan/Chairman Board of Governors the Academy also conducted two one week training programmes on "Legal Education" for 86 members of High Court Bar Association, Rawalpindi. The Academy has thus achieved more than 100% of its target set for.



Internal view of Federal Judicial Academy Classroom

Appointment of Directors

Mrs. Ashraf Jahan, District & Sessions Judge and Ms. Jazeela Aslam, Additional District & Sessions Judge has been appointed as Director Instructions and Additional Director Instructions respectively.

Elevation to Bench

Mrs. Ashraf Jahan, Director Instructions (District & Sessions Judge), has been elevated as a Judge of Hon'ble High Court of Sindh, Karachi.

Visit to Judicial Institute for Scotland

Sheriff T Welsh QC, Director of the Judicial Institute for Scotland, wrote us to say how much he enjoyed hosting the visit of Justice Asif Saeed Khan Khosa (CJEI Fellow 2006) and the Heads of the Pakistan Judicial Academies at their Institute in September.

PHILLIPINES (submitted by David Ballesteros, CJEI Fellow 2007)

The Philippine Judicial Academy's Philippine Mediation Center Office headed by Justice Marina L. Buzon (CJEI Fellow 2010) has released data on the success rate of Court Annexed Mediation and other ADR Mechanisms. For Court-Annexed Mediation (CAM), of 248,508 cases mediated from 2002 to 2013, 157,273 cases were successful, corresponding to 63.29% of the total. For Judicial Dispute Resolution (JDR), of 30,704 cases mediated from 2004 to 2013, 11,649 were successful, corresponding to 38.73% or roughly four out of ten cases. For Mobile Court Annexed Mediation (MCAM), of 10,746 cases mediated from 2007 to 2013, 9,757 were successful, corresponding to 90.08%.

CAM refers to the settling of disputes of cases already filed in court with the assistance of a mediator. If CAM fails, the Judge, called JDR Judge, conducts mediation, conciliation, and early neutral evaluation to facilitate an amicable settlement by the parties of their dispute. The MCAM is CAM through the mobile court system, based on the Guatemalan model of bringing justice closer to the grassroots. The Supreme Court has designated the Philippine Judicial Academy as its component unit for CAM and other ADR Mechanisms.

UGANDA

Justice J.W.N. Tsekooko (CJEI Fellow 1997) has retired from the Supreme Court of Uganda. His Excellency the President of Uganda has now appointed him as Ag. Justice of the Supreme Court.

Justice Dr. Esther Kisaakye, Justice of the Supreme Court has been appointed by the Chief Justice as the new Chairperson of the Judicial Training Committee.

Justice Duncan Gaswaga (CJEI Fellow 2013) has been appointed judge of the High Court of Uganda.

OBITUARIES

JUSTICE WENDELL KANGALOO, CJEI FELLOW



It is with the greatest sadness that the Judiciary confirms the passing of Justice of Appeal, Mr. Justice Wendell Kangaloo (CJEI Fellow 1998) at the St. Clair Medical Centre in Port of Spain, at 1:40 a.m. on Friday, 19th July, 2013. He had been in the Intensive Care Unit of that medical institution for the past

several days having been warded for treatment of complications related to the very severe injuries he sustained in a vehicular accident in May last year.

In an immediate reaction, the Honourable the Chief Justice, Mr. Justice Ivor Archie said, "It is the news we hoped would never come, but we have had to accept the reality of the great odds Wendell faced given the gravity of the injuries he sustained in that horrific accident a last year."

"Now that the inevitable has befallen, we join the Kangaloo family in their sorrow, assure them of our support, and pray that they will be inspired by the strength and courage with which Wendell confronted his challenges. We hope that this would also assist in the very quick healing we wish them," the Chief Justice said.

Mr. Justice Archie said that the Kangaloo family have also asked the Judiciary to extend their sincerest thanks and appreciation to all who have been calling and praying and commiserating with them since the tragic event of May last year. He said the institution gladly does so while at the same time expressing its own thanks to the many citizens who have been rallying with the Judiciary in those difficult moments.

The Chief Justice said that the Judiciary was consoled somewhat by the fact that Justice Kangaloo was able to come to a gathering of Judges and members of the Department of Court Administration at the Hilton Trinidad and Conference Centre in April this year where they were able to interact personally with him and also

to assure him of their continued prayers for his recovery and their desire to see him back at the Hall of Justice.

"To me personally and all his colleagues on the bench, as well as the Administrative staff of the Judiciary, Wendell was more than a colleague," he added. "He was wise counsel, a true friend, a good teacher and an extraordinary person whose sense of humor endeared him to all."

The Chief Justice continued: "As a judge he was incisive, detailed, objective, fair and fearless. He was passionate about the law, eschewed poor governance at any level and embraced fully the Judiciary's efforts at transforming itself into a high performing professional organisation. Bolstered by his long and varied experience both at the bench and the bar, in addition to his intellect and commitment, his contribution in the transformation process has been invaluable and will be truly missed, and his absence generally creates a void not easily replenished."

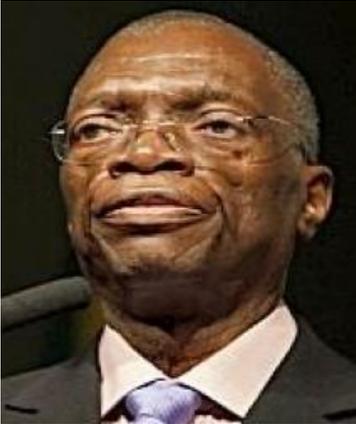
"The country and the rule of law have lost a brilliant protagonist and we join in saluting his legacy and the grief over his passing, celebrating his life also," Justice Archie said.

Justice Kangaloo was admitted to the bar in October 1984 and appointed a Puisne Judge of the High Court on February 1, 1996 at the age of 39, one of the youngest persons to assume that office. He was elevated to the Court of Appeal on December 11, 2001 and at the time of his passing was the most senior among the complement of Judges. He has acted as Chief Justice on numerous occasions and was in that position when his unfortunate accident occurred.

Justice Kangaloo attended the University of Toronto where he read for and obtained a BA (Hons) in Economics in 1979. He graduated from the University of the West Indies in 1982 with an LL.B (First Class Hons) following which he pursued his professional training at the Hugh Wooding Law School in Trinidad. He was the first Chairman of the Trinidad and Tobago Judicial Education Institute and a fellow of the Commonwealth Judicial Education Institute.

(Source : <http://www.ttlawcourts.org/index.php/newsroom-69/news/4033-the-judiciary-mourns-the-passing-of-wendell-kangaloo-ja>)

JUSTICE PIUS LANGA, CJEI PATRON



Justice Pius Nkonzo Langa passed away in a Johannesburg hospital after a long illness on 24th July, 2013.

Justice Langa was born in Bushbuckridge, South Africa on March 25 1939, the second of seven children. He came from a devout Christian family. As a

teenager, he held down various jobs to finance his high school education, leading to his matriculation in 1960. Having been brought up with strong Christian values, and after witnessing the poverty and injustice to which his family and community were subjected, he pursued a career within the legal system in order to contribute towards the improvement of the lives of his people. He worked as a messenger of court and interpreter, and later as a magistrate in the Department of Justice.

He held a degree of B. Juris and LLB from University of South Africa and was admitted as an Advocate of the Supreme Court of South Africa in June 1977. He practiced at the Natal bar and attained rank of Senior Counsel in January 1994.

His work as an advocate reflected the struggle against the apartheid system and his clientele included the underprivileged, various civic bodies, trade unions and people charged with political offences under the oppressive apartheid security system.

Justice Langa was a founder member of the Release Mandela Committee in Natal, formed in January 1990 and also served in the Regional and National Reception Committees that were formed to apply pressure on the Apartheid government to release political prisoners. He played a significant role in the negotiations leading to transition to the constitutional democracy in 1994. He was the resource person in the work of the Convention for a Democratic South Africa (CODESA) and of the Multi-Party Negotiating Forum. He was also a member of the Constitutional Committee of the African National Congress and of the Advisory Technical Group during the “Groote Schuur Talks” and the Pretoria “Talks about

Talks”. Justice Langa played a crucial role in the drafting of the Constitution, one which has been universally praised as one of the most progressive constitutions in the world.

Justice Langa was also appointed to serve on the Police Board, a body established under the National Peace Accord to oversee the transformation of the police services that were accused of perpetrating political violence in the 1980s and 1990s. He also chaired a technical committee tasked with reviewing health legislation and later became a member of a Commission of Inquiry into Unrest in Prisons.

In 1998, he chaired a commission tasked with investigating issues around the Lesotho elections on behalf of the Southern African Development and Economic Community (SADC). He was also appointed as the Commonwealth's Special Envoy to assist the Fiji Islands in resolving its political problems. In addition, he was involved in Constitutional Review commissions in Rwanda, Zimbabwe, Tanzania and Sri Lanka. As a result of his work in the legal sphere, he became a member of Judicial Integrity Group, the watchdog for international judicial norms and standards, and was charged with overseeing the drafting of the Bangalore Principles for Judicial Ethics.

With the establishment of the Constitutional Court of South Africa in 1994, Justice Langa was appointed together with ten others as the first Judges of the new Court. He later became the court's Deputy President and, in November 2001, assumed the position of Deputy Chief Justice of South Africa. He was appointed as the country's Chief Justice and head of the Constitutional Court with effect from June 2005 until his retirement in October 2009.

As Chief Justice, he was the chairperson of the Judicial Service Commission. He also served as the chairperson of Southern African Judges Commission, a forum of Chief Justices in the Southern and East, Africa. He was also a member of the permanent Court of Arbitration. He was founder member of the National Democratic Lawyers (NADEL) and served as its president from 1988 until 1994. He served on the boards and as trustee of various law-related institutions, and was involved in the founding of the South African Legal Defense Fund (SALDEF). He was also the Commissioner of the pre-Constitutional Human Rights Commission (later known

as the Human Rights Committee). Over the years he organised and/or participated in numerous conferences, workshops and seminars on human rights, justice and other constitutional issues and also delivered speeches on various related topics in South Africa and in many countries abroad.

Justice Langa will always be remembered for his distinctive judgments, including the following:

- In **Zeeland vs The Minister of Justice and Constitutional Development**, he wrote a bold assertion of the importance of the right to freedom and security of the person, the deprivation of which a court would only sanction after the strictest of scrutiny;
- In **MEC for Education KwaZulu Natal vs Pillay**, he developed the concept of reasonable accommodation, to ensure that our law achieved an adequate balance between the rights of a person who wishes, for example, to wear a nose stud for religious reasons and the hardship that permitting her to so do would cause to the customs of the school which she attended. This judgment recognised the need in our society to promote and respect diversity.
- In a minority judgment in **Masiya vs DPP**, Justice Langa showed the coherence of his stance on the transformation of the legal system. In developing his reasons for this conclusion, Justice Langa set out guidelines for the development of the common law in the shadow of the Constitution.
- In **Sv Makwanyane and another**, he held the following:- *“The Constitution constrains society to express its condemnation and its justifiable anger in a manner which preserves society’s own morality. The State should not make itself guilty of conduct which violates that which it is in the community’s interests to nurture. The Constitution, in deference to our humanity and*

sense of dignity, does not allow us to kill in cold blood in order to deter others from killing. Nor does it allow us to kill criminals simply to get even with them. We are not to stoop to the level of a criminal”.

In recognition of his work, Justice Langa received many awards which include: the Order of the Supreme Counsellor of the Baobab: Gold, which was bestowed on him by President Thabo Mbeki on 22 April 2008; the 2004 Justice Prize by the Peter Gruber Foundation in the United States of America; the 2006 Sydney and Felicia Kentridge Award for Service to Justice; the eThekweni Living Legends award on 11 March 2008.

He was Awarded Doctor’s Degrees, honoris causa, by the Universities of Zululand, KwaZulu-Natal, Western Cape, Unisa, Stellenbosch, Nelson Mandela Municipality, North West, Rhodes, Yale (USA), the National University of Ireland, the North Eastern University, Boston, Massachusetts, and the Southern Methodist University, Dallas, Texas. He also served for several years as Distinguished Visiting Professor at the Southern Methodist University in Dallas, Texas.

He was married to Beauty Thandekile Langa who left us on 30 August 2009, and the two of them were blessed with six children and a growing number of grandchildren.

There was another side to Justice Langa. He was a deeply spiritual man, with strong family values. He was known for his wry sense of humour. He was a patron of the arts, and was actively involved in charity work. He enjoyed walking and jogging, reading and watching a variety of sports.

May his soul rest in peace.

(Source: Obituary drafted by Langa Family for Special Official Funeral)

Upcoming events

International Organization for Judicial Training Conference, Washington, DC, USA www.iojt-dc2013.org/	3 – 7 November, 2013
International Association of Women Judges, 12 th Biennial International Conference, Arusha, Tanzania	5 – 9 May, 2014
CJEI Intensive Study Programme for Judicial Educators, Halifax, Ottawa and Toronto, Canada	1 – 20 June, 2014



The International Organization for Judicial Training (IOJT) and The National Center for State Courts (NCSC) are pleased to invite you to the 6th International Conference on the Training of the Judiciary in Washington, D.C. from 3rd to 7th November, 2014. The theme this year is Judicial Excellence and the conference themes are summarised below.

Judicial excellence is the foundation of justice systems that are trusted by the public to resolve disputes with fairness, efficiency, and impartiality. The 6th IOJT Conference will explore different ways in which judicial education can support, promote, and instil judicial excellence. Under the overall theme of judicial excellence the conference will focus on:

- Leadership and judicial education
- Judicial skill building
- Technology and judicial education
- Judicial education and the academy
- Judicial education in support of justice system reform, independence, and accountability

In addition the conference will include a **Knowledge Fair** with displays by IOJT member organizations and by selected businesses that provide education technology products and services.

Visit our website www.iojt-dc2013.org/ for more information.

INTENSIVE STUDY PROGRAMME FOR JUDICIAL EDUCATORS

JUNE 1 - 20, 2014

HALIFAX, OTTAWA AND TORONTO, CANADA

The 2014 Intensive Study Programme for Judicial Educators (two weeks or three weeks) will be held June 1 - 20, 2014 in Halifax, Ottawa and Toronto, Canada. There are still a few places left in the 15 member class. We are pleased to have received registrations for this programme from Nigeria, Scotland, Seychelles and Uganda. We will continue to take applications until December 31, 2013.

For information, contact CJEI at cjei@dal.ca.

Editor: Professor N.R. Madhava Menon

We are eager to share in the CJEI Report news on judicial education developments, judicial reforms, elevations, honours, or obituaries and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgments, or recent judicial education initiatives in your country.

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