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Message from the Editor



Judicial education and training are now acknowledged as not only necessary but essential to maintain judicial standards and efficiency. Judicial academies are established in most of the Commonwealth jurisdictions and regular programmes are being conducted at various levels of the judicial hierarchy. Nevertheless, there is no clear data to say that they have contributed significantly to increased efficiency and improved quality in justice delivery. The measurement standards and procedures are neither standardized nor adopted systematically. Programme design and delivery developed by judicial academies are themselves not assessed for its impact on trainees. The trainers in the academies are often persons drawn from the judiciary and the academia for temporary periods who do not necessarily possess expertise in training methods.

CJEI has been gathering information to prepare a status report on judicial education in the Commonwealth identifying the problems and challenges for addressing the issues collectively for common benefit. CJEI Report will be interested in devoting one of its future editions exclusively on the subject if CJEI Fellows in different countries send us the data. What is needed is factual information on number of training institutions, infrastructure, trainers, course types and objects, budget, management, impact assessment models, if any, use of technology in training, production of Bench Books and other study materials, perceived shortcomings and how addressed, relation with judicial administration etc.

Judicial appointments and judicial independence continue to agitate public attention in many countries. In India a Constitutional Amendment and a Parliamentary legislation creating an independent Commission for the purpose has been struck down as unconstitutional by the Supreme Court. The consequent impasse between the executive and judiciary has generated a forty per cent vacancy of judges in the country's twenty-one High Courts. Efforts are on to find a via media through a Memorandum of Procedure acceptable to both parties. Independence of the system has to be

secured at all costs if it has to continue enjoying the trust of the people. The present arrangement is to leave selection of judges exclusively as the function of a collegium of superior court justices with no role left to the executive or the legislature. Is that the best model to secure independence of judiciary is the question agitating the public mind.

The annual Intensive Study Programme for Judicial Educators continues to be the flagship event of CJEI attracting more and more judges from across the Commonwealth. Apparently it is found useful by participants many of whom continue their relation with the Institute and its activities. The CJEI Report is the medium through which most of them communicate with other Fellows. Therefore on behalf of the Report, let me solicit everyone to write to us on the happenings on the judicial front which may be of interest to others.

CJEI Report wishes everyone a happy and productive 2017.

Prof. (Dr.) N.R. Madhava Menon

**Hony. Director Bar Council of Kerala M.K.Nambyar Academy for
Continuing Legal Education, Kochi (Kerala, India)
Management Tools to Reduce Life Span of Civil Litigation
(Justice Surya Kant, Punjab and Haryana High Court, CJEI Fellow 2014)**

We are a country of a billion people. Hence, millions of court cases. Unaccountable precious hours are wasted every day throughout India by litigants and witnesses who congregate near courts and return home without their cases being taken up for hearing. Man by nature is a fighting animal, the evolution has not turned it down. Hence to think of a dispute and offence free society shall remain a myth. Truly speaking there exists no society without its share of disputes and conflicts. But disputes and conflicts waste a lot of valuable time, money and energy of the people. It's a hurdle for growth. One conflict gives way to 'n' number of other conflicts. Early resolution of these disputes is therefore, essential before lest they should become an impediment in the growth of our nation. This would equally serve the cause of both the parties, one of whom might prolong the lis, little realizing the psychological, physical and mental loss suffered invisibly by such party also.

Our justice delivery system imposes no such obligation that ensures certainty and predictability for a time bound adjudication. To meet the expectations of the people at large for expeditious disposal of their cases is thus a serious challenge. Napoleon had once opined "*Who, indeed, can hope to obtain justice while living?*" Shall the consumer of justice continue to be a mute spectator and suffer through a long, protracted and torturing process, not knowing when it will end? If the judiciary functions effectively and the judge controls the court as its true Master, liberate the court from delaying tactics and respects the procedural laws, there is a wide scope to curb delays and transform the courts as the most vibrant tools of social, political and economic justice for the man sitting in the last street to whom actually the justice delivery system owes its existence. The question is: *How do we design and structure a legal system, which can render justice to a billion of people?* An effective answer would lie beneath the procedural loopholes that inspire virtual difficulties in the speedy disposal of civil suits then to overcome those obstacles.

Root-Causes behind the inordinate delay

The volume of backlog; loopholes and complexity in the procedural law; poor case management system; malpractices and delay tactics by lawyers and litigants; heavy institution of cases; applications for interim relief; lawyers' economic interest in litigation; insufficient number of judicial officers; practice of writing lengthy judgments; practice of fixing too many cases on a day; prolix examination of witnesses; reluctance of witnesses to appear in court, non-observance of working hours; frequent adjournments and piecemeal hearings; State as a mindless litigant; unwillingness of Government to get its cases decided; long drawn arguments, non-availability of lawyers; assignment of cases without taking into consideration the expertise and specialization of Judges; ineffective process service; dual jurisdictions of the Judges; absence of specialized courts, etc., etc. are several among a number of factors which are responsible for the delay and to deny access to justice for many.

There is a fertile field in the Code of Civil Procedure for a lawyer and litigant to prolong and protract proceeding to any length of time. Rules are tricky creatures. They look neat and pretty from a distance but as soon as you try applying them, you realize their capacity to breed innumerable imaginative and interpretive issues. The legal system's failure to impose discipline at different stages of a case allows dilatory practices to protract the case life. Much of the delay occurs as the technicalities of legal procedure are exploitable. From the stage of filing the plaint till the judgment is pronounced, there are numerous halts. Here, we are concern more with the solutions; it does not make any sense to elaborate the causes.

How to reduce life span of civil litigation?

Case management is a comprehensive connotation comprising time and events in a law-suit commencing from the stage of initiation till its resolution. The courts in several countries have gradually due to their overburdened dockets, started applying management skills to the court systems. Just as the management professionals have changed the dynamics of

business enterprises and environment, court systems too have shown tremendous improvement with 'case management', which means that the Judge sets a time-table and monitors every case in his/her court from its initiation to its disposal. As the life span of a civil case commences from the date of institution of the suit and ends up at the stage of final decision, appellate or otherwise, the "Case management" and "judicial management" have proved themselves as the most effective tools to reduce that life span.

Traditionally, the courts' role was simply to respond to processes initiated by practitioners. But, the objectives of 'case management' should now include increasing the cost effectiveness of litigation, expeditious disposal of cases, promoting a sense of reasonable proportion and procedural economy, facilitating settlement and ensuring that the courts resources are distributed fairly. The courts too are duty bound to further the aforementioned objectives by 'actively managing' cases with an aim to, encourage parties to cooperate, identify issues at an early stage, encourage and facilitate the use of alternative dispute resolution procedures, fix time-tables, develop information technology support, monitor case loads, make more effective use of judicial resources, establish trial standards, deal with as many aspects of the case as possible on the same occasion, plan for the future, ensure efficient and expeditious conduct of trial, periodical review of cases to identify slippages and short coming. 'Case Management' must be put in place through an appropriate set of rules, so that it becomes a very proficient tool for the proper and timely disposal of simpler cases and which concentrates on allocating more time to complex cases.

On the other hand, 'Judicial Management' is a term used to describe all aspects of judicial involvement in the administration and management of courts and the cases before them. It includes procedural activism by judges at the preliminary stage of case allocation on the one side and post-allocation on the other. In the, 'pre-allocation stage' there is an urgent need of 'judicial auditing' of every suit as soon as it is instituted in the court and the first step that must be taken is to identify and put the case in any of the three categories, i.e. Normal Track, Urgent Track and Fast Track. The judge ought to apply mind and minimize the discretion vested in the Court at different stages of a suit and must fix the appropriate time length for its final adjudication. The categorization of civil suits should be through judicial proceedings only and be based upon the nature of claim, length or complexity, number of witnesses likely to be produced or documents examined and the number of issues likely to arise for adjudication. A standard time schedule within which a case would be finally disposed of shall infuse confidence in the system. Once the benchmark for a standard/expected life cycle is established, the dockets of all courts should be analyzed to identify cases that exceed such expected life cycle. An effective planning and management system may then be put in place to target, monitor and dispose of delayed cases. On the other hand, in the 'post-allocation stage' the object must be to ensure least intervention by Advocates in day-to-day proceedings. It can be done only when time-gap between one stage to another stage of civil suit is virtually mechanical, leaving no room for discretion. Once the trial court notified the complete time schedule till the adjudication of a case, such order should not be revisable and no superior court should entertain any challenge to it. Further, the court should make efforts to segregate the parties from their Advocates at the time of formation of time-schedule and benevolent approach must not lead to procedural transgression. The Court must always remain the Master and parties as the central point of every suit.

Measures to convert provisions in CPC as effective tools of speedy disposal

The conventional judicial system, it being adversarial in nature, has not been within the reach of all and every sections of society. Resultantly, only those who can afford to bear its costs have been enjoying the fruits of justice. The courts are therefore obligated to evolve an innovative system of procedural compliances, as illustratively suggested below, so as to achieve their Constitutional objects, within the framework of Code of Civil Procedure.

[A] Personal appearance of parties: Order III Rule 1 (Proviso) CPC empowers the court to direct the party to put in appearance in person. Parallel to that Order V Rule 1 and 3 also empowers the court to secure personal appearance of the defendant, if so required. These rules further empower the Court to ask the plaintiff also to appear in person on the same day. In order to make these provisions an effective tool, the court may, if both the parties are present without their

Advocates, attempt for ADR, elicit their grievance against each other and explore how many witnesses they would like to examine; simultaneously the court can fix the date of Written Statement, one without cost, second with costs and third but last with heavy costs [within a gap of 90 days as per Order V Rule 1]. The judicial order must say that thereafter no opportunity shall be granted and the defence is deemed to have been struck-off. This very order must fix the date for replication and then for issues. The role of Advocates inside the court-room should start from the stage when they can be asked to submit the proposed issues on the date already notified for that purpose..

[B] Efficient Delivery of Summons: Order V Rule 9(2) empowers the court to summon a defendant “in such manner as the court may direct”. Similar is the procedure to summon the witnesses. Though the CPC now provides e-mail or FAX message as a valid mode of service, but in rural areas, such like modes are not available. A new rule can be inserted [as has been done by Punjab and Haryana High Court] to provide for service of court notices through Courier Service Provider. The Department of Posts has introduced a scheme for courier service in rural areas also. The High Court and Department of Posts can enter into an MOU for sending all the notices in District Courts and High Court. The old method of acknowledgments is no more there and there is a tracking facility given by the Department of Posts, through which they certify the delivery of courier. To make such fast mode of service effective, Orientation Programme for Civil Nazirs and Officials of Post Department in the State Judicial Academy should also be conducted. The system is working very effectively in the states of Punjab and Haryana. In urban areas besides the courier, the e-mail, SMS or FAX message services also need to be frequently used.

[C] Abolition of the provision of process fee: Order VII Rule 9 provides for the deposit of court fee on admitting plaint. Under the rules, the Court may make order for dismissal of suit if the plaintiff does not duly deposit the process fees. The dismissal of suit for non-deposit of process fees leads to unnecessary delay as the party often applies for restoration of the suit and for deposit of process fees. With a view to avoid delay in issuing process and for earlier disposal of the suit, let there be a provision to include the process fees in lump sum in the Court fees at the time of filing the suit .

[D] Examination, Pronouncement and disposal at first hearing: Order X Rule 1 provides that the court can ascertain from each party whether he admits or denies allegations of facts made in plaint or written statement and Order X Rule 4 empowers the court to compel the parties in person to make statement and then even pronounce the judgment. On the same footing, Order XV Rule 1, 2 and 4 empowers the court to dispose of the case at the first hearing when the parties, or one of the defendants not at issue, or even on failure to produce evidence. Under Order X Rule 2, admission and denial of documents and oral examination of parties helps in curbing the delay. If these provisions are enforced religiously then at least unnecessary, vexatious and frivolous litigation can be prevented at the threshold.

[E] Production of documents: Order V Rule 7, Order VII Rule 14, Order 8 Rule 1A, requires the plaintiffs and defendants to produce the documents in their possession, which they rely upon in support of their claim. If the Civil Court enforces these provisions vigorously, it can very well be ascertained as to how many witnesses are required to be examined by the parties. The Court must not permit the parties to bring irrelevant or superfluous witnesses. On seeing the documents also, a judicial order can be passed to permit the parties to produce the specified witnesses. If any party fails to cross-examine the witness, the entire expenditure of producing such witnesses along with heavy costs, with a rider not to adjourn the next date beyond 15 days, should be the consistent procedure.

[F] Delivery of Interrogatories as usual practice: Order XI Rule 1 provides for delivery of interrogatories. Where the court is unable to extract a clear statement of admissions or denial from the parties appearing in person, it must immediately resort to the delivery of interrogatories as a second attempt to decide the suit without going into conventional procedure of recording evidence etc.

[G] Penal Consequences on refusal to admit or deny: Order XII Rule 2, 2A, 3 and 4 provides for the admission and denial of documents. Notice to admit documents and facts should be made use of to narrow down the points in controversy. Refusal to admit or deny a document or fact should be visited with penal consequences.

[H] Framing of issues in the presence of parties: Order XIV Rule 1 and Rule 5 provides for the framing and striking or amendment of the issues. The judge should fix a date for settlement of issues at the preliminary stage of “judicial auditing” and the lawyers of both parties should remain present with their respective draft issues. Whatever objection is to be taken about the form and framing of issues, must be raised at the time when the Court proceeds to settle the issues in the open Court.

[I] Opportunity for amendment of pleadings and of adjournments should be limited: Order VI Rule 17 provides discretionary power to the court to allow amendment of pleadings and Order XVII Rule 1 empowers the court to give adjournments. These powers ought to be exercised sparingly and only to prevent injustice.

[J] Examination and Cross-examination on the same or consecutive day: Order XVIII Rule 4 provides for recording of examination-in-chief on affidavit and by commissioner. The witnesses in attendance must be examined on the same date and no witness should be allowed to go unexamined. Care must be taken that irrelevant and inadmissible evidence should not be recorded as it hampers expeditious disposal of the case.

[K] Art of writing brief judgment: Writing a good quality brief judgment is a serious challenge. The voluminous material available on net has become a constant threat to the art of writing a brief and precise judgment. Many Judicial Officers believe in cut and paste which leads to unnecessary and irrelevant re-production of pleadings, precedents or passages from law books. Art of writing a to-the-point judgment is a skill to be developed through practice and learning. One of the most effective instrument of writing a brief judgment is the art of paraphrasing. A judgment should always include [i] brief overview of the facts to set the scene; [ii] a succinct statement of the issues to foreshadow the structure; [iii] brief statement of only the relevant procedural history; [iv] an impartial statement of the losing party’s position on each issue; [v] a clear statement of the flaw in the losing party’s position on each issue; [vi] anything about which an interested reader, including a Tribunal might reasonably be curious; [vii] anything that, if omitted, would create an opportunity for an appeal; [viii] evidence supporting findings on material facts and [ix] reference to any law, standard, or factor upon which the judgment is based. Similarly, a judgment should leave out : [i] dates and details on which nothing turns; [ii] the admitted facts except to set out the undisputed facts first; [iii] extensive quotation of statutes and precedents that could be paraphrased; [iv] patches of law that have no bearing on the case at hand; [v] repeated information; and [vi] tedious narrations of the hearing.

[L] Some other conventional suggestions: there is a growing tendency amongst many judicial officers to frequently invoke their perceived powers either ‘in the interest of justice’ or in compliance of ‘natural justice’. Such like orders are invariably passed out of misplaced sympathy. This practice needs to be curbed as the undeserving concession given to one party leads to unforeseen burden on the other party.

Conclusion

The Strategic Initiatives presented in this article provide a means for achieving the major objectives for Delivery of speedy Justice. Judiciary is the pivot of distributing justice among the people. A man comes to the courts not to lose his rights but to substantiate. When a man loses his rights, he tries to recover and secure it by all means. Judiciary is the last resort for establishing rights of an aggrieved person. If the judiciary is not proficient enough in delivering timely justice because of defective procedural mechanism, it affects the faith and trust of millions of people and such distrust shakes the very root of social equilibrium. **James Anthony Froude** said “*Because justice is not executed speedily men persuade themselves that there is no such thing as justice*”. It is therefore manifest that all the stakeholders join their heads and build up a self sustaining, predictable and certain system for timely disposal of disputes.

CJEI Patron Chief Justices Meet in Scotland

The CJEI's Patron Chief Justices' Meeting took place at the nineteenth Commonwealth Law Conference in Glasgow, Scotland on April 12, 2015. Hosted by the Right Honourable Lord Gill, The Lord President of Scotland, the meeting was attended by the following: The Right Honourable The Lord Thomas, England and Wales; The Honourable Madam Justice Maseforo Mahase, Lesotho; The Honourable Justice Andrew K.C. Nyirenda, Malawi; The Right Honourable Tun Arifin bin Zakaria, Chief Justice, Malaysia; The Honourable Chief Justice Keshoe Parsad Matadeen, Mauritius; The Honourable Justice William Young, New Zealand; The Honourable Sir Declan Morgan, Lord Chief Justice, Northern Ireland; The Honourable Chief Justice Nasir-ul-Mulk, Pakistan; The Honourable Sir Salamo Injia, Kt., Chief Justice, Papua New Guinea; The Honourable Mr. Justice Iwan Rasoelbaks, President of the Court of Justice, Suriname; The Honourable Chief Justice Michael M. Ramodibedi, Swaziland; The Honourable Chief Justice Ivor Archie, Trinidad and Tobago; The Honourable Chief Justice Irene Chirwa Mambilima, Zambia; The Right Honourable Sir Dennis Byron, President, Caribbean Court of Justice and President, CJEI; The Honourable Mr. Justice Adrian Saunders, Caribbean Court of Justice and Patron, CJEI; Judge (R) Sandra E. Oxner, Chairperson, CJEI.

The Right Honourable Lord Gill chaired the meeting and welcomed those attending. After the opening remarks by the Honourable Lord President of Scotland, The Right Honourable Sir Dennis Byron chaired a session on CJEI's past two years' work and future plans. Justice Adrian Saunders and Judge (R) Sandra Oxner presented the CJEI work plan and ongoing activities of the Institute.

The education component of the meeting was broken down into two parts. The first session "The Electronic Court" was presented by Sir Dennis Byron. He outlined the components of a successful electronic court process and the essential steps in the creation of such an electronic court. The Honourable Justice Madan Lokur of the Supreme Court of India and CJEI Vice President presented electronically the Indian perspective on the topic and participated in the discussion.

The second session "Judicial Budget Control – An Aspect of Judicial Independence" was chaired by Sir Dennis Byron. The Chief Justices discussed a draft statement of best practices in relation to the management and administration of judicial budgets, with a particular focus on how this would aid in furthering the cause of judicial independence.

This meeting also involved a private discussion by the Chief Justices on issues of interest to Commonwealth judiciaries. Some of the areas discussed included: "Integration of Magistracy into Judiciary – Challenges in achieving Constitutional Reforms"; "Judicial Protocol – feedback from other jurisdictions"; "Judicial Education – Judicial Training Institute"; "Interfacing with the Executive Branch of Government"; "Addressing the problem of endemic and unconscionable delay in delivery of judgments"; "Handling political pressure and undue interference with the judiciary (whether directly or indirectly)"; "Access to court information and its control"; "Social Media Policies/Judicial Protocols"; and "Judges Exchange Programmes".

The meeting ended with a luncheon graciously hosted by the Right Honourable Lord Gill.

23rd Annual Intensive Study Programme for Judicial Educators

The CJEI's twenty-third annual Intensive Study Programme for Judicial Educators (ISP) was held from June 5 – 24, 2016. The programme was directed by The Honourable Mr. Justice Adrian Saunders, Former Chief Justice of OECS & Judge of the Caribbean Court of Justice and co-directed by The Honourable Mr. Justice Peter Jamadar, Court of Appeal, Trinidad & Tobago and the Honourable Mr. Justice Brian Lennox, Former Chief Justice of the Ontario Court of Justice and Former Director of National Judicial Institute of Canada. It was attended by 15 participants: The Honourable Judge SK. Golan Mahbub, Director (Administration), Judicial Administration Training Institute, Bangladesh; The Honourable Justice Harold Ruhukya, Industrial Court, Botswana; The Honourable Justice Yonette Cummings-Edwards, Acting Chief Justice, Guyana;

Ms. Leron Daly, Magistrate, Providence Magistrate's Court, Guyana; Mr. Laxmi Kant Gaur, Director (Administration), Delhi Judicial Academy, India; Mr. Dinesh Kumar Sharma, Director (Academics), Delhi Judicial Academy, India; The Honourable Mrs. Justice Cresencia Brown Beckford, Supreme Court, Jamaica; Her Honour Mrs. Simone Wolfe-Reece, Senior Parish Judge, Criminal Division, Jamaica; The Honourable Justice Rosaline P.I. Bozimo, OFR, Administrator, National Judicial Institute, Nigeria; The Honourable Justice Adenike J. Coker, High Court of Lagos State, Nigeria; Mr. Ian Victor Augerea, Registrar, National and Supreme Courts, Papua New Guinea; Mr. Baka B. Bina, Assistant Registrar, National and Supreme Courts, Papua New Guinea; The Honourable Yarni Loi, District Judge, Family Justice Courts, Singapore; The Honourable Madam Justice Kathy Ann Waterman Latchoo, High Court, St. Vincent and the Grenadines; and Mr. Ermin N. Moise, Magistrate, First and Second District Courts, St. Lucia.

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 - understanding adult learners learning and teaching styles, learning outcomes and active learning forms and benefits; 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; curricula development; teaching court support staff; judicial ethics and conduct; use of great literature in judicial education programming; developing e-programming; judicial performance feedback; unrepresented litigants; challenges for judicial academies; judgment writing; long range judicial education planning; increasing your effectiveness by managing your time; impact of developing technologies on the law and court processes – cyberbullying; judicial role – a public service; judicial ethics and the appearance of bias in the world of social media; exploring judicial arrogance and judicial humility; and importance and methodology of programme evaluation.

The final week of the programme was spent in Ottawa and Toronto. In Ottawa, the participants visited 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, social events included a reception hosted by His Honour Brigadier-General the Hon. J.J. Grant (Ret'd), Lieutenant Governor of Nova Scotia at Government House and a reception hosted by The Honourable Diana Whalen, 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 at Government House, Halifax

Biennial Meeting of Commonwealth Judicial Educators

CJEI's 8th Biennial Meeting of Commonwealth Judicial Educators hosted by the Chief Justice and High Court of Kerala was held at the Vivanta by Taj – Malabar in Kochi, India from November 11 – 14, 2016. The meeting is by invitation only to Chief Justices and leaders in judicial education in the Commonwealth and was attended by 44 judicial educators from 14 countries. The theme of the meeting was “The Changing Role and Function of the Judge” – apex courts throughout the Commonwealth are making it clear that to meet contemporary needs the judicial role must change to that of an impartial proactive adjudicator focused on achieving a Just Result. This programme examines this judicial role from the perspective of efficiency, mindset, and social context.

The programme was designed to achieve the following four objectives:

1. To develop programme modules ready to be taken away for presentation by national judicial education organizations;
2. To exchange information on common problems and solutions in Commonwealth judicial education;
3. To gather research in preparation of a report on the status of judicial education in the Commonwealth. When completed, this report will be used as a baseline to chart the progress of Commonwealth national and regional judicial education; and
4. A meeting of our Board of Directors and heads of Commonwealth judicial education bodies to evaluate work completed over the last two years and chart a work plan for the coming two years.

In addition to the above noted objectives, the Biennial Meeting seeks to introduce cutting edge programming and to model throughout the sessions appropriate adult education techniques.

Topics discussed included “Separation of Powers” – Issues arising from Shakespeare’s Julius Caesar”; “Unrepresented Litigants”; “Using the Commonwealth Secretariat Judicial Bench Book on Violence Against Women as a Teaching Tool in Judicial Education”; “Use of the Rules of Evidence and Rules of Civil Procedure to Achieve Social Justice”; “Electronic Games as a Teaching Tool”; “Steps and Challenges to a more efficient Judicial Process”; “Judicial Arrogance”; “Learning Management Systems”; “Your Electronic Footprint”; “Cybercrimes” and “Lessening Delay through teaching the Judicial Skill of Issue Driven Note Taking to facilitate the Delivery of Oral Judgments”.

Participant session evaluation forms and evaluative meetings of faculty were of the view that the objectives were achieved although, as usual, there were requests for further time to be given to many of the topics discussed.

The social events included a President’s opening reception and dinner; and Kathakali performance and dinner hosted by the Honourable Chief Justice Mohan M. Shantanagoudar and the Judges of the High Court of Kerala at Bolgatty Palace Hotel. All social events were congenial and provided opportunities for information exchange.

Governance Structure of CJEI

The governing committee of the Institute consists of the Honourable Mr. Justice Madan B. Lokur, President; the Right Honourable Sir Dennis Byron, Chair; Judge (R) Sandra E. Oxner, Founding President; the Right Honourable Chief Justice Beverley McLachlin, Canada; the Honourable Chief Justice Ivor Archie, Trinidad & Tobago; the Honourable Chief Justice Irene Mambilima, Zambia; the Honourable Justice Sophia Akuffo, Ghana; the Honourable Dr. Badariah Sahamid, Malaysia; the Honourable Justice Abdu Aboki, Nigeria; the Honourable Justice Kashim Zannah, 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 Adrian D. Saunders, Trinidad & Tobago; the Honourable Judge Gertrude Chawatama, Zambia; Professor Michael Deturbide, Canada; Professor John A. Yogis, QC, Honourary Treasurer and Ms. Sandra J. Hutchings, Secretary.

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.

New Case – Constitutional Interpretation of an Order detaining a Minor

Her Worship Magistrate Marcia Ayers-Caesar and The Attorney General of Trinidad and Tobago v BS (By his kin and next friend Karen Mohammed) Civil Appeal No. P 252 of 2015

http://webopac.ttlawcourts.org/LibraryJud/Judgments/coa/2015/jamadar/CvA_15_P252DD15dec2015.pdf

This appeal arose from the judicial review of an order of the Chief Magistrate of Trinidad and Tobago to remand a minor charged with murder to the Youth Training Centre (a facility for minors convicted of offences and not a Community Residence as required by the Children Act, 2012). The appeal sought to challenge the trial judge's jurisdiction to make certain interim orders and the scope of those orders. The appeal also questioned the judge's approach to making the interim orders, in so far as this was done without giving the appellants an adequate opportunity to be heard before the orders were made. The decision of the court was delivered by Justice of Appeal Peter Jamadar.

The appeal court found that the trial judge did have jurisdiction to make some of his orders, but overreached in making others. And that, in the circumstances of the case, the appellants ought to have been given a more meaningful opportunity to be heard before the impugned orders were made.

In giving the reasons for the decision, Justice Jamadar JA discussed the trial judge's orders in light of the role of the judge under the Civil Proceedings Rules, 1998 (the CPR) as well as the 'new imperative' of procedural fairness.ⁱ

Under the CPR, judges have to actively manage cases and the case flow process, in accordance with the overriding objective i.e. dealing with cases justly. As such, the judge has to take into account many factors, including the issues of the case, the use of resources and the timing of events.ⁱⁱ 'However, this is not an arbitrary investment of power and control, though it is certainly broad and extensive'.ⁱⁱⁱ

In response to the trial judge's attempt 'to recalibrate the adversarial model to achieve the overriding objective'^{iv}, the Court of Appeal opined that even though the judge had the power to make orders and give directions 'without necessarily hearing the parties, provided those orders were in furtherance of the overriding objective and relevant to or arising out of the actual issues for determination...(that) does not create an unfettered licence for a judge to do whatever s/he may subjectively believe is necessary.'^v These new powers under the CPR have to be balanced against judicial independence and impartiality and the 'core assumptions and values of the adversarial system of litigation retained under the CPR'.^{vi}

In matters involving minors, a judge has a duty to put the welfare of the minor first. As such the judge has an inquisitorial role to play and the CPR and Family Proceedings Rules, 1998 facilitate this role 'and a judge exercising jurisdiction over minors has a broader discretion than would normally be the case in the ordinary civil jurisdiction'.^{vii} While this broader discretion may be exercised robustly, the decisions must remain fair and just, thus necessitating a further balancing exercise given the constraints of the law and the circumstances of each case.

Given this and the 'constitutional values of equality, fairness, respect and dignity',^{viii} the principles of procedural fairness must be followed. 'Thus, respect, equality of treatment and fairness must now colour all aspects of judicial behavior both in court and throughout the management and hearing of all aspects of a matter. In concrete terms, there are four cardinal principles to be adhered to: (i) judges must be fair and experienced as such in all aspects of interaction with litigants and their attorneys; (ii) judges must treat all litigants and their witnesses (including attorneys and court staff) with utmost respect, having regard to their inviolable human dignity; (iii) judges are obligated to take care to ensure that parties clearly understand both what is to be expected, as well as what is actually happening in court proceedings, and all orders,

directions and decisions must be carefully explained so that parties fully understand them and appreciate their consequences; and (iv) judges must permit parties to have a voice, that is to say, a meaningful chance to actually participate in their matter at all stages of the proceedings.^{ix} As such, in this case the judge’s duties and discretion in light of the case involving a minor and of the interim orders that were intended to be made required the judge to allow the parties to meaningfully participate in the process involved in making the proposed orders.

To properly balance these duties and constraints is to embody the new role of the judge and the principles of procedural fairness post-CPR.

ⁱ [30] – [39].

ⁱⁱ [32] 'The CPR, 1998 has brought about a seismic shift in the roles, responsibilities and powers of the court to manage and shape litigation, and to control its unfolding in terms of issues and timing'.

ⁱⁱⁱ [31].

^{iv} [23].

^v [33].

^{vi} [34].

^{vii} [35].

^{viii} [37].

^{ix} [37].

LOOKING BACKWARD; GOING FORWARD (Justice Roshan Dalvi Ret’d, CJEI Fellow 2009)

Integrity, Impartiality, Industry, Independence, Intelligence –
the 5 Is

Needed to eradicate deception, cheating, betrayal and lies.

To be true to our oath in its entirety from the start,

To weed out corruption of the purse and the heart.

Not only to prevent and punish bad, but reach out to do good,

Meet challenges along the way, dispense tangible justice as we
should.

To bring someone good cheer, to wipe a fallen tear – go that
extra mile,

Uphold merits before technicalities, put substance before style.

With empathy, sensitivity serve and protect the common man

For whom this noble institution was created to stand.

Eschew ‘non value added items’ in favour of ‘big rocks’.

Making stepping stones of stumbling blocks.

That’s the resolve to make ourselves useful and needed,

For the voice of anguish to be heard and heeded.

We shall win, not a battle, but the war

Be the mast on which the judicial flag doth fly forever more.

News and Notes

BANGLADESH

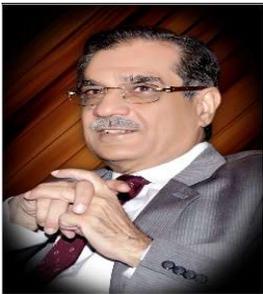
Magistrate A.E.M. Ismail Hossain (CJEI Fellow 2008) was awarded a Hubert H. Humphrey Fellowship for 2014-15 academic year by the US Department of State to study at the American University Washington College of Law as a mid-career professional. This Fellowship is a Fulbright Exchange activity that brings together accomplished professionals from around the world. His area of study is criminal justice and human rights.

GUYANA (submitted by The Honourable Chief Justice Yonette Cummings-Edwards, CJEI Fellow 2016)

Guyana has formed a Judicial Education Institute (JEI). The JEI will provide continuing legal education for all Judges, Magistrates, Commissioners of Title, Registrars, Court administrators, Clerks of court, Judicial officers and Court of Appeal staff. Guyana has also implemented new Civil Procedure Rules.

PAKISTAN (submitted by Mr. Fakhar Hayat, Director General, Federal Judicial Academy, CJEI Fellow 1998)

Federal Judicial Academy, Pakistan Gets New Chairman, Board of Governors Profile of Mr. Justice Mian Saqib Nisar



Hon'ble Mr. Justice Mian Saqib Nisar was born on 18.01.1954 at Lahore; passed his Matriculation from Cathedral High School, Lahore and Graduation from Government College, Lahore, Bachelor of Law was done from the University of Punjab in the year 1979-80; joined legal profession as an Advocate on 02.05.1980, was enrolled as an Advocate of the High Court in 1982 and as Advocate of the Honorable Supreme Court of Pakistan in 1994, was elevated as the Judge of the High Court on 22.05.1998 and of the Supreme Court of Pakistan on 18.02.2010. His lordship was member of a delegation representing Pakistan in "International Youth Conference" held in Libya, Tripoli in 1973.

He had been practicing in Civil, Commercial, Tax and Constitutional Law; had appeared in large number of important constitutional cases both in the High Court and the Supreme Court. His lordship was elected as Secretary General of Lahore High Court Bar Association in the year 1991; was appointed Federal Law Secretary on 29.03.1997 and it is for the first time in the history of the country that someone from the Bar had been appointed to this post.

Represented the Pakistan in International Conference held in Wilton Park, U.K on the subject of "Pakistan and India at Fifty". His lordship led Pakistan delegation to Manila, Philippines in a conference of the Minister level on the subject "Asia Region Transitional Crimes" and also led Pakistan delegation on Human Rights to Switzerland, besides in February, 2009 has participated in conference held in Oslo, Norway under the auspices of Pakistan community in collaboration with the Norwegian Ministry of Foreign Affairs on the subject of "Islam and Democracy" and read the paper on the "Role of the Courts in Islamic Democratic Society". His lordship also has been a part time lecturer at Punjab Law College and Pakistan College of Law, where he taught Civil Procedure Code and the Constitution.

Meeting of Judicial Education Coordination Committee at FJA

Mr. Justice Muhammad Anwar Khan Kasi, Hon'ble Chief Justice of Islamabad High Court chaired the first ever meeting of Judicial Education Coordination Committee at the Federal Judicial Academy on October 29, 2016. The meeting was attended



by Mr. Fakhar Hayat, Director General, FJA, Mr. Amanullah Baloch, Director General, Balochistan Judicial Academy, Mrs. Uzma Akhtar Chughtai, Director General, Punjab Judicial Academy, Mr. Muhammad Shahid Shafiq, Senior Faculty Member/ a representative of Director General, Sindh Judicial Academy.

The meeting dwelt upon on these agenda items such as Annual and periodic review of training syllabi and teaching methods with view to reform and improve the quality of judicial education;

preparing and implementing judicial education strategy for future growth and development of judicial education; preparing plans and strategies for maximum utilisation of logistic and academic facilities of the academies; resolving the issue of overlapping/duplication of training programmes, if any; carrying out research on legal and judicial issues and publication of research Journal, dissertation, treatise and books, etc. holding seminars, conferences and workshops for improvement of law and judicial system; systematise the process of nomination of judicial officers, court staff and other professionals for pre- and in-service training; suggesting measures for requirement of judicial training for confirmation/promotion of judicial officers/court staff, with suitable incentives for the trainee officers/officials; and improving the format of ACR/PER for judicial officers/court staff, in line with their stipulated role/functions.

INTERNATIONAL Istanbul Law Congress



Mr. Justice Amir Hani Muslim, Hon'ble Judge, SCP (in centre) and Mr. Salman Farooq, Director, FJA (to his left) in group photo with the participants of International Istanbul Law Congress held in Istanbul, Turkey on 17-19 October, 2016.

FJA Faculty Members lands in Nepal

Mr. Salahuddin and Ms Nusrat Yasmeen, both Directors of the Academy, landed in Nepal to take part in a Regional Expert Consultation on IHL with the Judicial Sector, organized by the National Judicial Academy, Nepal, in partnership with the International Committee of Red Cross (ICRC), on September 3, 2016 at Yak and Yeti Hotel, Kathmandu, Nepal.

The objective of the expert consultation was to increase understanding of IHL and to improve better structure in the current training pedagogical tools and teaching methods used during domestic continued professional development sessions for judges.

Judges and judicial educators from SAARC countries such as Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, besides Iran, had taken part in the expert consultation.

Rt. Hon'ble Chief Justice Sushila Karki, as the Chief Guest of the concluding session, observed that IHL issues are highly pertinent and need to be incorporated in the training curricula for judges.



She appreciated and congratulated both NJA-Nepal and ICRC Nepal for taking timely initiative to organize such an important expert consultation. Hon'ble Minister of Law, Justice and Parliamentary Affairs Ajay Shankar Nayak and Hon'ble Attorney General Raman Kumar Shrestha also delivered remarks highlighting the relevance of the programme.

During the expert consultation, presentations were made by the experts on IHL, and also group exercises were carried out to identify role of judges and judicial educators in the training curricula and their delivery in the training programme.

Presided over by Executive Director Hon'ble Keshari Raj Pandit, NJA-Nepal, the expert consultation also adopted a four point Kathmandu Declaration exhibiting the participants' commitment to include IHL issues in the training curricula. Twenty-three participants attended the expert consultation.

Pakistani Family Court Judges Asked to become Gender-sensitive First Female Federal Shariat Court Judge asks Family Court Judges to save families from break-up

Mrs. Justice Ashraf Jahan, the Hon'ble Judge of Federal Shariat Court of Pakistan said on March 12, 2016 that a key role of the family court judges was to save our nation's families from break-up and that was both sensitive and onerous responsibility. She also holds the honour of being the first ever female judge to be appointed as Hon'ble Judge of Federal Shariat Court.

She expressed these views in the unique joint certificate awarding ceremony at the conclusion of two different training courses namely one-week course on "Management of Family Cases for Female Judges of the Family Courts from all over Pakistan, Azad Jammu and Kashmir and Gilgit-Baltistan and another course titled Two-week Capacity Building Training for FJA Staff of the Academy.

She said, "A proper pre-trial guidance and counselling of the estranged couples can save a noble institution of family from break-up. Because of the complex, multidimensional nature of family cases, family court judges must possess additional knowledge, skills, and qualities not required by their colleagues who handle other case types. I personally believe that a Family Court Judge must have a deep understating of law but also profound innate wisdom, understanding of psychology and sociology to save families in society."

Advising the family court judges she said, “Your passion will always lead you to your purpose. You always get what you focus



Justice Mrs. Ashraf Jahan, the first female Hon’ble Judge of Federal Shariat Court of Pakistan addressing the Family Court Judges in the Certificate Awarding Ceremony

on. Discourage delaying tactics used by the parties in family related cases. Always keep in your mind that there is a great reward for those judges who give the right and judicious decisions and similarly there is a severe punishment for those who give wrong and unjust decisions.”

Appreciating the first-ever capacity building training for the staff of the Academy the Honorable judge said, “One small step at a time consistently creates monumental results. Every training always gives something to learn or at least puts trainees on the way to learn more and more for self-improvement. I wish that such like trainings should be a regular feature for the officers and staff members of the Academy to enhance their efficiency.”

In the end, the honourable guest awarded certificates to 26 Female Judges of Family Courts and 20 officers and other members of the Federal Judicial Academy in the ceremony.

The Faculty of Federal Judicial Academy, Islamabad, Pakistan, also always asks the Pakistani Family Court Judges to become Gender –sensitive. The Federal Judicial Academy, Islamabad, Pakistan as per its seventh Annual Judicial Calendar 2015-16, strengthened women judges’ capacity for effective Family Cases Management for a week in the Academy.

SEYCHELLES



The Honourable Justice Duncan Gaswaga (CJEI Fellow 2013), a judge of the High Court of Uganda, will be the chairperson of the Seychelles’ first Anti-Corruption Commission. The Commission will be tasked with receiving complaints and also investigating, detecting and preventing practices linked to corruption in both the public and private sector. The Commission will have its own structure, budget, and taskforce which will conduct investigations. See more at: <http://www.seychellesnewsagency.com/articles/5696/Ugandan+Judge+to+head+Seychelles+first+Anti-Corruption+Commission>.

SINGAPORE

A Snapshot of the Programmes Offered in 2017 under the International Wing of the Singapore Judicial College

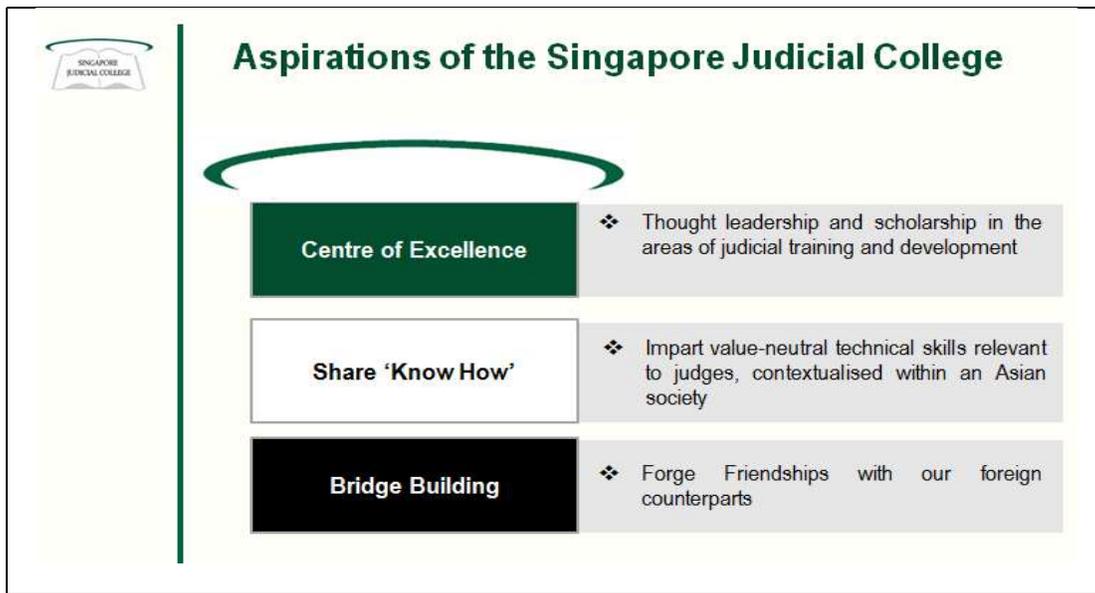
(submitted by District Judge Boon Heng Tan, Executive Director, Singapore Judicial College, CJEI Fellow 2014)

The Singapore Judicial College (“SJC”) was officially launched by Chief Justice Menon at the Opening of the Legal Year on 5 January 2015. The SJC is established under the auspices of the Supreme Court and dedicated to the training and development of Judges and Judicial Officers (JOs). SJC’s vision is excellence in judicial education and research and its mission is to provide and inspire continuing judicial learning and research to enhance the competency and professionalism

of judges. The SJC’s initiatives are structured under the following: (a) the Local Wing; (b) the International Wing; and (c) the Empirical Judicial Research Programme.

The Local Wing oversees the training needs of the Singapore Judiciary, from induction to continuing education, and developmental programmes. In 2015 and 2016, the SJC offered more than 40 programmes in each year, recording a cumulative attendance exceeding 1,000 participants per year. On an average, each judge attends at least 5 judicial training programmes organised by the SJC annually.

The International Wing offers judicial education programmes to Judges and JOs from other jurisdictions covering a range of critical areas including case management, harnessing of court technology and court excellence. The aspirations of the SJC are best set out using this diagram:



Since its inception in January 2015, the International Wing of the SJC had organised 22 judicial training programmes suitable for the international participants. Cumulatively, these judicial training opportunities attracted more than 600 participants from over 60 countries. The jurisdictions include:

Since 2015, the SJC’s International Wing Alumni now hail from more than 60 countries:

Azerbaijan	Lao PDR	Saint Lucia
Bahamas	Latvia	Serbia
Bahrain	Liberia	Seychelles
Bangladesh	Lithuania	Slovak Republic
Belize	Malaysia	Solomon Islands
Bhutan	Maldives	Sri Lanka
Brunei	Mauritius	Sudan
Cambodia	Micronesia	Swaziland
China	Myanmar	Taiwan
Cook Islands	Nepal	Tanzania
Egypt	Nigeria	Thailand
Fiji	Oman	Timor-Leste
Grenada	Palestine	Trinidad and Tobago
Guyana	Pakistan	Tunisia
Hong Kong	Palau	UAE (Dubai)
India	Panama	Uganda
Indonesia	Papua New Guinea	Ukraine
Japan	Philippines	Uzbekistan
Jordan	Qatar	Vietnam
Kazakhstan	Romania	Zambia
Kiribati		Zimbabwe

The International Wing of the SJC is committed to continually delivering quality judicial training programmes in a diverse range of critical areas necessary to equip judges with the skill sets, frameworks and best practices to respond to the rapidly changing court environment. Below is a listing of the confirmed training programmes in 2017 for international participants. More courses are scheduled to be conducted in the second half of 2017 and they include a 6-day mediation workshop leading to accreditation jointly organised with the Singapore Mediation Centre.

Date	Title of Judicial Training Programme
20 – 22 Feb 2017	eFiling Workshop for the Fiji Judiciary held in Suva, Fiji
14 – 15 Mar 2017	International Judicial Educators’ Training held in Singapore
11 – 12 May 2017	Judgment Writing Workshop held in Singapore
3 – 7 Apr 2017	Strategies of Case Management: Challenges, Solutions and Innovation for the Bangladesh Judiciary , held in Singapore
25 – 28 Apr 2017	International Framework for Court Excellence Workshop for the Myanmar Judiciary held in Yangon, Myanmar
16 – 19 May 2016	International Framework for Court Excellence Workshop for the Lao PDR Judiciary held in Vientiane, Lao PDR
30 May - 2 Jun 2017	International Framework for Court Excellence Workshop for the Cambodian Judiciary held in Phnom Penh, Cambodia
20 – 23 Jun 2017	International Framework for Court Excellence for the Vietnam Judiciary held in Hanoi, Vietnam
10–14 Jul 2017	End-To-End Court Technology Workshop held in Singapore
14 – 18 Aug 2017	Leadership in Court Governance Workshop held in Singapore
28 – 29 Sep 2017	Assessing Credibility of Witnesses Workshop held in Singapore
31 Oct – 3 Nov 2017	Judiciary-Wide Induction Programme for Newly Appointed Judicial Commissioners and Judicial Officers held in Singapore

For more information on the work of the Singapore Judicial College, you are invited to browse the following:

- ❖ **Annual Report 2015:**
<http://www.supremecourt.gov.sg/Data/AnnualReport/SJC/AnnualRpt2015/index.html>
- ❖ **Annual Report 2016:**
<http://www.supremecourt.gov.sg/Data/AnnualReport/SJC/AnnualRpt2016/index.html>
- ❖ **2017 Training Prospectus:**
<http://www.supremecourt.gov.sg/docs/default-source/default-document-library/sjc/sjc-prospectus-2017.pdf>
- ❖ **2017 Local Wing Programmes:**
<http://www.supremecourt.gov.sg/sjc/judicial-education/local/2017>
- ❖ **2017 International Wing Programmes:**
<http://www.supremecourt.gov.sg/sjc/judicial-education/international/2017>

TRINIDAD AND TOBAGO

The Judicial Education Institute of Trinidad and Tobago (JEITT) has been working hard towards our Vision of “Transformation through Education.” Our programmes over the past year covered a range of topics requested by our Judges and Judicial Officers as we persist to strive for judicial education that is participant-led, participant-focused, and participant-driven. Through the seminars and half-day sessions held throughout the year, the JEITT continued to be unwavering in our commitment to support all judicial officers in the promotion of excellence in the administration of Justice in Trinidad and Tobago.

Highlights of 2015 at JEITT

Training Programmes

Family Court Judges' CES – From January 23-25, 2015, the JEITT hosted the Family Court judges' Continuing Education Seminar. The seminar kicked off with a focus on understanding contemporary children's rights in the Caribbean and exploring the legal implications of these rights for practice in the Family Court. The second half of Day One covered the developmental psychology of the child, best practice regarding communication with children who appear in Family Court, and the various types of counsellors available. Day Two of the seminar took the participants through challenging yet humorous role plays in which they had a chance to practically apply the interview techniques discussed. The judges' final day in Tobago concluded the seminar with a session on stress management and financial preparedness.

Magistrates' CES – The Magistrates took to Tobago from March 13th to 15th, 2015 for the Magistrates' Continuing Education Seminar. Over the three days of this seminar, the Magistrates focused on the topics Courtroom Communication, Bad Character, and Bail. The participants evaluated the impact of specific judicial behaviours on public perceptions and, with the help of the animated staff of the Tobago Supreme Court, participated in role plays to demonstrate effective communication behaviours on the bench. The second day of the seminar began with a session on the exercise of discretion in Bad Character applications. Participants were engaged in an interactive game to assist the presentation, followed by a presentation on Bail considerations. Finally, to conclude the CES, Magistrates were led through a session on stress management and financial preparedness.

Judges' and Masters' CES – The Judges' and Masters' Continuing Education Seminar 2015 was held from May 22nd to 24th, 2015. Our High Court, Family Court, and Court of Appeal judges were led through sessions on Courtroom Communication, Procedural Fairness, and International Human Rights treaties. The judges participated in mock-court role plays to put into practical use the teachings of the facilitators – an interesting and amusing activity for all. The judges concluded their CES with a cricket match in memory of the Honourable Mr. Justice Wendell Kangaloo.

Registrars' CES – For the Registrars' Continuing Education Seminar 2015, Registrars gathered together from June 12th to June 13th, 2015. The small yet picturesque hotel provided an ideal atmosphere for the two-day Registrars' seminar on Admiralty Law.

Appreciative Inquiry – Further to these programmes, 2015 saw the continuation of the Appreciative Inquiry (AI) training. A new cadre of professionals from within the Judiciary attended programmes throughout the year and were trained in transformational leadership.

From June 8th to 9th, 2015, the Judiciary's Appreciative Inquiry (AI) roll-out team were trained on the ins and outs of being effective AI facilitators. Day One of the training session entailed a presentation on Appreciative Inquiry. Day Two of the session was when the real challenge began - the roles reversed, with participants becoming the facilitators themselves! Participants were sorted into groups of two and they presented the material learnt on the previous day to a group of volunteers. As the saying goes, 'while we teach, we learn.' By the conclusion of the workshop, participants left with more confidence about their abilities to both practice and teach Appreciative Inquiry in their personal and professional lives. As we progress with the AI training, we look forward to a rejuvenated style of collaborative leadership within the Judiciary.

Distinguished Jurist Lecture Series

The Judicial Education Institute's Annual Distinguished Jurist Lecture took place on May 13th 2015, with the subsequent panel discussion held the next day. The JEITT had the honour of welcoming Dame Linda Dobbs D.B.E., a renowned retired High Court judge from the United Kingdom. Dame Linda delivered a lecture entitled, "Who's Afraid of Human Rights? The Judges' Dilemma." Her lecture was well-attended by members of the Judiciary, Law

Association, University of the West Indies, amongst many other avid listeners. Dame Linda posed challenging questions for debate in relation to our Constitution and Human Rights legislature and invited her audience to adopt a “can do” attitude when facing obstacles. Her lecture was both insightful and inspiring, paving the way for an even further thought-provoking panel discussion the next day. The esteemed panellists were The Honourable Madame Justice Maureen Rajnauth-Lee, Dr. Francis Alexis, Professor Rose-Marie Belle Antoine and Dr. Dylan Kerrigan. Each panellist utilised their varying backgrounds – law, politics, academia and anthropology – to propel the discussion and debate surrounding Dame Linda’s lecture. Overall, both lecture and panel discussion were a resounding success, providing an array of food for thought in the direction of a more progressive society.

Dame Linda’s lecture is available at www.ttlawcourts.org/djl and the e-publication of the Distinguished Jurist Lecture 2015 can be downloaded at www.ttlawcourts.org/jeibooks.

Publications

In support of the Judiciary’s vision of access to justice for all, 2015 also marked the establishment of the JEITT’s E-bookstore. For the first time in the region’s history, access to publications of the JEITT, and therefore the Judiciary, is available free-of-charge both locally and internationally via www.ttlawcourts.org/jeibooks. 2015 also marked the release of three publications by the JEITT: The Distinguished Jurist Lecture 2014 publication, entitled “The Yin and Yang of the Commonwealth Constitutional Democracy: Change for Stability and Progress”; the Judiciary’s 50th anniversary publication, “Celebrating 50 Years of an Independent Court of Appeal of Trinidad and Tobago 1962-2012”; and the Trinidad and Tobago Criminal Bench Book 2015.

Conferences

Members of the Board and Staff of the JEITT attended the Caribbean Association of Judicial Officers (CAJO) conference in Montego Bay, Jamaica in September 2015, the National Association of State Judicial Educators (NASJE) conference in Seattle, U.S. in October 2015 and the International Organisation for Judicial Training (IOJT) conference in Recife, Brasil in November 2015.

At the IOJT conference, JEITT’s Justice Peter Jamadar J.A. and Kent Jardine prepared a paper entitled “The Trials and Triumphs of Judicial Education in a Small Jurisdiction” (available at www.ttlawcourts.org/jeittresources) which elaborates on the history and growth of the JEITT and the challenges which Judicial Education Institutes face in small jurisdictions. The well-received paper was presented by Chief Justice Ivor Archie O.R.T.T. and Kent Jardine at a session chaired by CJEI’s Sandra Oxner.

With 2016 underway, the JEITT is geared to go, with a lot to look forward to during this year!

Highlights of 2016 at JEITT

Distinguished Jurist Lecture 2016

The JEITT’s Distinguished Jurist Lecture Series marked its 5th Anniversary in 2016, with the lecture “Whose Constitution? Law, Justice and History in the Caribbean” given by Professor Richard Drayton PhD FRHistS. Professor Drayton, a Rhodes Professor of Imperial History at King’s College, London, of mixed Caribbean descent, drew on his own personal insights into the Commonwealth citizen’s experience to explore the lack of possession surrounding our Independence constitutions, and furthermore encouraged his audience to observe the connections and interdependency of past and present, in order to analyse the structures of government and observe the constitution as political order. His presentation was met with widespread interest from various sectors of society, and publication of the lecture (now available at www.ttlawcourts.org/djl) has been in high demand.

For the first time, this year's Distinguished Jurist Lecture featured Conversations on the topic on the night of the lecture, rather than a Panel Discussion the following day, and the Conversations sparked many interesting streams of thought. The Conversations were facilitated by Reginald Armor SC, Professor Bridget Brereton, Dr. Rita Pemberton, Atillah Springer and Fr. Martin Sirju; persons of varying backgrounds, from Law to Activism to History. Each facilitator contributed to the Conversations, steering it as it moved along around their individual areas of expertise.

Soon to Come

One of this year's upcoming highlights at the JEITT is the Judiciary Continuing Education Seminar for all Judges, Judicial officers, and Senior Managers to be held this June! The CES will focus on Implicit Bias, and will include a panel of facilitators to explore this topic across fields.

On the publications agenda, 2016 will bring the Distinguished Jurist Lecture 2016 publication, as well as an update of Trinidad and Tobago's Sentencing Handbook and a Consolidated version of the Civil Proceedings Rules 1998 which will include cases, practice directions, and the like.

Upcoming events

CJEI Patron Chief Justices' Meeting, Melbourne, Australia	20 March 2017
Commonwealth Law Conference, Melbourne, Australia	20 - 24 March 2017
CJEI Intensive Study Programme for Judicial Educators, Halifax, Ottawa and Toronto, Canada	4 - 23 June 2017
CMJA Conference, Dar-Es-Salaam, Tanzania	24 - 28 September 2017
Caribbean Association of Judicial Officers Conference, Curacao	28 - 30 September 2017

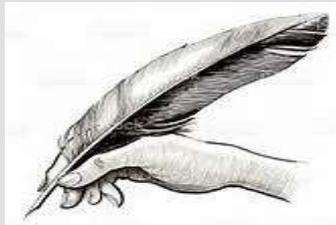
INTENSIVE STUDY PROGRAMME FOR JUDICIAL EDUCATORS HALIFAX, OTTAWA AND TORONTO, CANADA

The next Intensive Study Programme for Judicial Educators (two weeks or three weeks) will be held June 4 - 23, 2017 in Halifax, Ottawa and Toronto, Canada.

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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