**2022 LEGAL YEAR OPENING SPEECH**

My Lords Mr. Justice Shiraz Aziz, Mrs. Justice Tanya Lobban Jackson, and Mr. Justice Carlos Simons QC participating in person, My Lord Mr. Justice Dennis Morrison President of the Court of Appeal and Justices of Appeal participating remotely,  may I wish you a very good morning, and welcome you to the celebration of the opening of the Legal Year 2022.

The years 2020 and 2021 have taught us to never take anything for granted and so we do not take for granted this great mercy, that we are able to mark this year’s Opening in a hybrid fashion. We are thankful for it.

My Lords, you have noted the innovation in the organisation of this ceremony, that today, we conduct our business outdoors, simulating the courtroom in a manner that accommodates all our stakeholders and permits us to observe the Covid-19 protocols. I hope that you find this new setting comforting.

May I with your leave, recognise the presence of our esteemed and distinguished guests, in the protocol so ably set by the Honourable Attorney General.

My Lords, I have heard the remarks of our partners in the delivery of justice in the Turks and Caicos Islands, the Hon. Attorney General, the Learned Director of Public Prosecutions, The President of the Bar Council, and the Doyen of the Bar, and I thank them for their kind acknowledgement of the work of the Judiciary in its drive to provide access to quality justice, and our collaboration as stakeholders in the delivery of justice in these islands.

**RESPONSE TO REMARKS BY ATTORNEY GENERAL**

My Lords, in response to the Honourable Attorney General’s remarks, permit me to start by acknowledging the work of the Chambers and its benefit to the Judiciary. Throughout the last year, I sent messages of appreciation and gratitude from time to time to the hardworking officials of the Attorney General’s Chambers. I now formally acknowledge the collaboration and the co-operation my office has  received from the Chambers in the Judiciary’s efforts to provide access to quality justice.

My Lords, Hon. Attorney General, the year 2021 may be appropriately described as: ‘The Year of Rules’. Permit me to dilate on the improvements to the administration of justice through the provision of Rules in 2021.

1. **Legal Aid Rules 2021**

My Lords, in 2021, the Judiciary introduced new Legal Aid Rules. The Rules were aimed at curing certain deficiencies in the legal aid system, as well as ensuring fairness in the allocation of cases, and providing for a fairer system of considering applications. They were also to make us more accountable as an institution on how we disbursed public funds.

My Lords, the innovations in the legal aid regime, introduced by the new Legal Aid Rules, include the removal of the grant of legal aid from the discretion of the Chief Justice to its consideration by a Panel.

The Rules established a Legal Aid Panel chaired by a Supreme Court Judge, with a representative from the Bar Council and The Director of Social Development as its members. At this time, its membership is composed of Mr. Justice Shiraz Aziz, Chairman, with Mr. Don-Hue Gardiner, nominee of the Bar Council, and Mrs. Ashley Adams-Forbes, Deputy Director, as the nominee of the Director of the Department of Social Development,  as members.

The Rules also introduced a Legal Aid Roster which was compiled from applications from suitably qualified interested Attorneys for inclusion. Assignment of Legal Aid cases are done by the Registrar from the Roster.

The Legal Aid Rules further introduced an end date of 18 months to a Legal Aid certificate, and also, a mechanism for making a complaint against an Attorney for negligence, improper conduct, lack of diligence or any other complaint that may warrant an investigation by the Court.

The right of an Attorney to interim payments was also introduced, and so the power of the Registrar to refuse payment to an Attorney upon the ruling of a Judge that certain proceedings taken were unreasonable, irrelevant or were calculated to, or would have (or have had) the effect of unnecessarily delaying proceedings.

1. **Legal Aid (Early Criminal and Civil Assistance) Rules**

My Lords, In November 2021, through the work of the Attorney General’s Chambers, the Cabinet of the Turks and Caicos Islands and the House of Assembly, an amendment I sought, was introduced to the Supreme Court Ordinance.

The Supreme Court (Amendment) Ordinance empowered the Chief Justice to make rules to improve access to justice by way of providing early legal aid, and the extension of legal aid to certain civil cases.

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My Lords, at the close of 2021, we published the Legal Aid (Early Criminal and Civil Assistance) Rules 2021.

The said Rules extend the provision of legal aid for criminal matters from its present scope of pretrial and trial processes to the investigative process. In this regard, a new regime is established introducing a new cadre of lawyers known as Duty Counsel whose task is to provide advice and assistance to indigent persons arrested for alleged crimes before they are formally charged. Early legal aid will reduce legal challenges and avoid unnecessary technicalities, as well as ensure that the rights of persons arrested on suspicion for crimes are respected throughout the investigative process until their first appearance at the court.

My Lords, the Rules also extend civil legal aid to indigent persons who may need to prosecute or defend a claim before the court or to seek declarations pertinent to the protection of constitutional rights, including public law cases that will both benefit the public and improve our jurisprudence. The areas are: Constitutional Motions, Habeas Corpus applications, Judicial Review applications (where there exists a public interest issue), Domestic Violence related disputes, court proceedings involving the welfare of a child, contentious probate matters, Landlord/tenant matters where the tenant is in imminent danger of homelessness.

The Civil Legal Aid Panel will administer legal Aid, and the Registrar shall assign Attorneys from the Roster of Litigation Attorneys upon approval by the Civil Legal Aid Panel. Filing fees will also be waived for such legal aid assisted cases.

For the administration of these Rules, the Legal Aid Panel of three is now extended to five persons, to include two members of the Bar, appointed by the Chief Justice. To be appointed shortly to make up the number, will be Mr. Wendal Swann and Mr. Anthony Gruchot.

**Court Connected Mediation Rules 2021**

My Lords, Hon. AG, once again the Chambers, and also the Cabinet and the House of Assembly assisted the Judiciary in the implementation of Court Connected Mediation by providing an amendment to the Civil Procedure Ordinance for the purpose. The amendment inserted section 59A which spells out the court’s duty to promote reconciliation, and further empowers the Chief Justice to set up an alternative dispute resolution mechanism to achieve this.

My Lords, following this amendment, Rules (with a Code of Conduct for Mediators) were provided to set up and regulate Court Connected Mediation. The Court-connected Mediation Rules provide for the creation of a Mediation Committee which at this time is chaired by The Hon. Justice Lobban Jackson, with the Chief Magistrate H/H Mr. Jolyon Hatmin, the President of the Bar Council Mr. Selvyn Hawkins, and Ms Renee McLean Registrar of the Supreme Court, as its members.

The Rules also provide for a creation of a Roster of Mediators drawn from persons trained in Mediation and certified to practise.

My Lords to facilitate this, the Judiciary, in  partnership with the University of the West Indies, has so far trained forty-two persons at our own expense. The training was conducted by the Department of Behavioural Sciences at the Faculty of Social Sciences, University of the West Indies St Augustine, Trinidad. These persons, certified by the University’s accreditation body, are eligible for inclusion in the Roster. The process of inclusion in the Roster follows a consideration of applications of certified persons, followed by background checks by the Mediation Committee. So far, we have eleven certified persons on the Roster of Mediators published in the Gazette, who are available to provide mediation services to the islands.

For this linked service, we are also at this time, partnering with two mediation firms: Aptus from Ottawa Canada; and Dialogue Solutions from Trinidad and Tobago; each of which has a team of internationally experienced mediators in a wide range of matters to provide a linked mediation service in specialised areas and big commercial disputes. They are also as needed, available to work with our mediators as co-Mediators.

**Criminal Procedure (Amendment) Ordinance**

My Lords, while on this subject of extended services, may I inform you that we have begun consultation with stakeholders to introduce Restorative Justice to promote victim-offender reconciliation, and may include reparation for offences. This has also been enabled by an amendment to the Criminal Procedure Ordinance by the insertion of section 73A to the Ordinance to permit the Chief Justice to introduce such mechanism.

**Criminal Procedure Rules 2021**

My Lords, in 2021, for the first time, the Judiciary of the Turks and Caicos Islands produced Criminal Procedure Rules which introduced proper case management certainty and clarity into the conduct of criminal proceedings. The main work was undertaken by a Technical Committee chaired by Justice Georgis Taylor Alexander of the Eastern Caribbean Supreme Court, with Mr. Justice Aziz from the TCI Judiciary, Dr Angela Brooks: Deputy Director of Public Prosecutions, and Mr. Oliver Smith QC, representing the Bar Council, as members.

After they produced their first draft, they were assisted by Dr. Gogontle Gatang from the Attorney General’s Chambers in their drafting to produce the finished work.

**The Supreme Court (Appointment of Queen’s Counsel) Rules, 2021**

My Lords, the Supreme Court (Appointment of Queen’s Counsel) Rules were published by Legal Notice 52 of 2021 dated 17 February 2021.  The Rules set up a Queen’s Counsel Selection Panel comprised of the Chief Justice as the Chairperson, the Attorney General, the Director of Public Prosecutions and the Doyen of the Bar.

Under the Rules, a call is made every two years for interested qualified Attorneys to apply for consideration. The first call for applications was made in 2021. After a review of the papers submitted by the applicants, and an interview process by the Queen’s Counsel Selection Panel in accordance with the Rules, two eminent and distinguished Attorneys: Mr. Oliver Smith and Mr. David Cadman  were recommended to His Excellency, the Governor for appointment.

My Lords we all participated in the ceremony of 4th November 2021, that ushered them into the Inner Bar of these Islands.

The next call for applications under the Rules will be in 2023, and the Panel looks forward to continuing to recognize the contribution of Turks and Caicos Islands Attorneys at Law by considering them as candidates for this honorific.

**The Alternative Sentencing (Breach Proceedings) Rules**

My Lords, in further improvement of our work as dispensers of criminal justice, the Judiciary published The Alternative Sentencing (Breach Proceedings) Rules in November 2021. These Rules were issued with the objective of bringing clarity and uniformity into the process of handling breaches of probation and other orders of the court. The Rules provide guidance to the officers directly in charge of supervision of a person subject to the court’s order, on what to do in cases of breach, and when breach proceedings in court should be commenced.

The Rules also direct the application process to remove the confusion that previously existed on how these applications should be made; and provide a timeline to the court registry on the issue of summons and the assignment of a hearing date. They further outline the form the hearing should take; the considerations that the court should take into account before making an order in respect of a proven breach of its probation order; and the sanctions that are within the court’s remit to apply.

**OUR COMMITTEES**

My Lords, the Attorney General’s Chambers, as well as our other stakeholders:  the Office of the Director of Public Prosecutions, the Royal Turks and Caicos Islands’ Police Force, The Department of Correction and Rehabilitation (formerly Her Majesty’s Prison), the Department of Immigration, and the Bar Council have all continued to contribute technical expertise to Committees  the Judiciary has set up to improve the administration of Justice.  These include:

**The Bail Committee**

The Bail Committee which was commissioned in 2020, concluded its work in 2021, and submitted a Cabinet Paper for the introduction of the Turks and Caicos Islands’ first ever Bail Ordinance. A Bail Ordinance will bring more certainty and uniformity to the grant and administration of bail in these islands. The Committee was chaired by The Honourable Mrs Justice Lobban Jackson with its membership comprised of Mr. Oliver Smith Queen’s Counsel, members of the RTCI Police Force (Superintendent Lisa Mitcheson and Pascal Bacchus), Assistant Superintendent of Prisons Raymond Grant, Senior Legislative Drafter Ms Priscilla Paquette and Ms Latisha Williams, Senior Public Prosecutor.

My Lords, I am hopeful that in spite of the often-overloaded legislative calendar of the House, this Ordinance will see the light of day sooner rather than later, in 2022.

**iii/ Sentencing Guidelines Committee**

My Lords, the Sentencing Guidelines Committee was created to produce Sentencing Guidelines to reduce sentencing disparities and to promote transparency, uniformity, and proportionality in sentencing. The Committee is chaired by the President of our Court of Appeal, The Honourable Mr Justice Morrison, with The Honourable Mr Justice Aziz, Principal Legislative Drafter, Ms Desiree Downes, Senior Public Prosecutor, Ms Shatelia Hall, the Director of Immigration Mr Derek Been, Mr Pascal Bacchus of the RTCI Police Force and Ms Lara Maroof, Attorney at law,  as members. The Committee’s work is ongoing.

**iv/ Magistrate’s Court Rules Committee**

The Magistrate’s Court Rules Committee was created to make Rules to bring more clarity to the operation in both the criminal and civil jurisdictions of the Magistrate’s Court. It is chaired by the Chief Magistrate Mr. Hatmin, with Ms. Keri-Ann Kemble and Mrs. Oreika Selver-Gardiner Resident Magistrates, and Mr David Cadman QC, as members. Their work is also ongoing.

**v/ Civil Procedure Rules Committee**

The Civil Procedure Rules Committee was created to provide Civil Procedure Rules for the TCI. The objective of new Rules is to introduce active case management by the Judiciary and to make us more accountable to the people of the Turks and Caicos Islands as we are led by the overriding objective of dealing with cases justly.

The setting up of the Committee followed the Commonwealth Judicial Education Institute’s sensitising seminar on Judicial Case Management, held under the auspices of our Judicial Education Institute in October 2020.

This Committee is co-chaired by The Honourable Ms Justice Charmaine Pemberton, Justice of Appeal from Trinidad and Tobago and The Honourable Mr. Justice Robin Mohammed of the High Court of Trinidad and Tobago. The members of the Committee are: The Honourable Mr Justice Nareshwar Harnanan of the High Court of Guyana, Ms Renee McLean Registrar of the Supreme Court, TCI,  Mr Stephen Wilson Queen’s Counsel ,and Mr Jonathan Katan Queen’s Counsel from the TCI Inner Bar. Their work will be completed and published very shortly.

**The Coronial Committee**

My Lords, these islands have had difficult coronial issues. In response to them, the  Coronial Committee was set up to recommend reform to coronial services in the islands. Its work is ongoing. The Committee is chaired by the Deputy Attorney General Ms. Khalila Astwood-Tatem, with a membership of: the Chief Medical Officer – Dr. Nadia Astwood, Deputy Chief Medical Officer – Dr Jeremy Myers, Dr. Denise Braithwaite – Chief Executive Officer of InterHealth Canada, Ms. Desiree Downes – Principal Legislative Drafter, and until December 2021, Dr Anna Russel Justice Advisor; the Chief Magistrate Mr. Jolyon Hatmin is an *ex officio* member.

*Gratitude*

My Lords, having heard the catalogue of achievements and work yet ongoing carried out with the participation of officials of the Attorney General’s Chambers, may I respectfully request that you join me in thanking the Hon. Attorney General and acknowledging her sterling leadership at the Chambers that has enabled all of this, and thanking also her tireless, unwavering, and excellent team at the Chambers for their work delivered at breakneck pace, and without complaint.

I thank you all so very much for all that you do to move the Judiciary’s reform agenda forward.

**RESPONSE TO THE DIRECTOR OF PUBLIC PROSECUTIONS**

My Lords, I seek your leave to thank the Learned Director of Public Prosecutions, personally, and then his office, for the continued support provided to the Judiciary in our collective effort to administer quality justice in these islands.

1. **JURY TRIALS**

My Lords, jury trials began in April 2021 after a year-long hiatus due to the COVID-19 pandemic which produced a significant backlog. In January 2021, I issued Practice Direction No. 5 to usher us into Jury Trials. Practice Direction No. 5 permitted both a separation of the jury, and the use of electronic infrastructure to provide for hybrid hearings. The said Practice Direction was enabled by an amendment to the Jury Ordinance in 2020, and the Court Live Links (Remote Participation) Ordinance, 2020. I spoke about the said pieces of legislation and the work of the Attorney General’s Chambers in bringing them into being, at the Opening last year.

My Lords, right at the outset of the introduction of the new regime, through the dry runs of participants to get it right, to the trials, the Learned DPP stood with the Judiciary, offering every assistance to make the jury trials possible. The Office of the DPP was stretched to accommodate three courts all handling jury trials. The cooperation of the Office of the DPP, given in full measure, has significantly helped to reduce the backlog of criminal cases at a time when some countries are still grappling with backlogs and feeling their way regarding holding jury trials in a pandemic.

1. **COOPERATION**

My Lords, permit me the indulgence of repeating myself when I acknowledge the immense assistance provided by the Office of the DPP towards the fulfilment of the Judiciary’s reform agenda. My Lords, I have already gone through committees peopled by members of his office: the Bail Committee, the Sentencing Guidelines Committee, and the Criminal Procedure Rules Committee.

In the past year, the Judiciary has engaged with the Office of the DPP in other ways, aimed at producing cooperation and collaboration for optimum performance in a spirit of collegiality. One of such engagements is the institution of a quarterly meeting of  the Judiciary, the ODPP, and the Bar Council with the goal of keeping channels of communication open for improved delivery of, and access to justice.

My Lords, this is only part of the story, and it is only for fear of going over my allotted time, that I choose to stop here, but I will add this: that under the leadership of the Learned DPP, the Office of the DPP has worked well with the Judiciary in many ways, including the timely and thorough presentation of their cases, and their ever-improving work at the courts.

*Gratitude*

My Lords, please join me to thank the Learned DPP for his immense support provided in various ways, for the Judiciary’s reform agenda.

**RESPONSE TO THE PRESIDENT OF THE BAR COUNCIL AND THE DOYEN OF THE BAR**

My Lords, to The President of the Bar Council Mr. Selvyn Hawkins, and Mr. Ariel Misick QC Doyen of the Bar, I wish to say thank you for the optimum participation of the Bar in the Judiciary’s reform initiatives.

My Lords, I seek leave to formally express my and the Judiciary’s gratitude for the readiness with which the Bar supports our work. My Lords, it is to reduce tedium that I will not speak about the presence of the Bar on all Committees of the Judiciary. The Bar also serves on the Legal Aid Panel, and Mr. President, you yourself serve on the Mediation Committee.

The interest shown by members of the Bar in mediation is beyond the judiciary’s expectation. My Lords, it is a testament to the ability of the Bar to embrace all that is good, that so many of the persons who have given up their time to undergo the grueling mediation training, are Attorneys and some have since applied to be on the Roster of Mediators. Mr. President you serve on the Mediation Committee, a pioneering task that no doubt, demands a lot in time and effort.

The Bar has cooperated with the Judiciary in other ways also.

It is because of the willingness of your members, Mr. President, that we now have a Legal Aid Roster. Very shortly, I have no doubt that the Roster of Duty Counsel, and of Litigation Counsel (for civil legal aided cases) will come into existence.

My Lords, the boldness with which I will shortly introduce Duty Counsel and Litigation Attorneys for Civil Legal Aid into our justice delivery, is because I am in no doubt that members of the Bar will step up once again, to provide the service.

**MOOTING COMPETITION**

My Lords,  The President has spoken about the Bar Council’s partnership with the Judiciary to launch the National Moot Court Competition on 29 October 2021. The Judiciary is very proud to be a part of this Bar Council initiative. It is our privilege to be given the opportunity to assist in the mentoring and guidance of our youth, in this initiative that will surely encourage them to consider legal practice as an attainable and attractive career path.

*Gratitude*

At this point, my Lords, permit me the indulgence of making a very subjective statement from a grateful heart. I will say that in my experience, the TCI Bar stands shoulder to shoulder with the best of my acquaintance in the level of cooperation, and the ability to adapt to enable the introduction of new ways of doing things.

**OTHER INITIATIVES**

1. **ROBING ROOM AT GRAND TURK**

My Lords, the Judiciary is pleased that it has been able to address the problem of the lack of a robing room at the Courthouse at Grand Turk. At the Opening last year, I announced with great joy that Attorneys in Providenciales had been provided with a Robing Room which may be used for relaxation and socializing before, in between court appearances, and even after a hard day’s work. Now Attorneys working at the Grand Turk courts have also been provided with a robing room for their exclusive use and enjoyment within the court building.

**LIBRARY**

My Lords, the Judiciary’s fledgling efforts to acquire a library which I spoke about last year, have resulted in a modest, but fully functional library at the Providenciales Supreme Court, stocked with law reports and current textbooks generously donated by the International Law Book Facility (ILBF) of the United Kingdom. The Bar has full access to this library, which was formally commissioned on 3 September 2021 in a small ceremony with The President of the Bar Council, the Registrar of the Supreme Court, and the Acting Court Administrator. A plaque recognizing ILBF’s donation is on display at the entrance to the library. The Judiciary is deeply grateful for them for their donation of law books. We are also grateful to the Bar Council for its generous offer to provide a printer to augment our efforts at the library.

**TCI-LII**

My Lords, I cannot provide a report on the activities of the Judiciary in 2021, without providing an insight to other initiatives that bolster us up towards greater strength and resilience. So, My Lords, while on the subject of library access, may I inform you that TCI-LII the internet reporting portal linked to global resources which we commissioned in 2020, continues to be updated regularly with the rulings and judgments handed down by our courts. It is extensively populated with the judgments and rulings of the TCI courts from 1995 to the present, including a 1906 judgment from the Privy Council of the Turks and Caicos Islands. The site is referenced locally, and I am advised is also being used throughout the Caribbean. It is an achievement of which we are very proud.

**The Judicial Education Institute (JEI)**

The JEI was established under the Office of the Chief Justice in 2020 and reconstituted in April 2021. It is now governed and administered by a committee chaired by the Chief Justice. The Vice Chair is the President of the Court of Appeal, The Hon Mr. Justice Dennis Morrison, The Hon Mr. Justice Aziz is a member, and Ms. Aisha de Four who is also the Secretary of the CJSG, is the Secretary.

The JEI has had a prolific and successful year. We have rolled out a series of trainings to improve the capacity of our Judicial Officers and support staff.

**Staff Training**

For our support staff, the JEI hosted three workshops are aimed at improving the quality of work at the front offices of the courts in our engagement with court users, as well as the quality of the conduct of court proceedings as managed by the clerks whose service is the nerve centre of our service delivery. The workshops were delivered by two companies: **Peake Professionals** which delivered in March 2021, the workshop titled “Attitude, your most priceless possession”. It was followed by another: “Communication Strategies” and yet another, similar in name, but different in scope delivered in September 2021 by another trainer: **Desiree Adams Training** called “Training on Communication Strategies.”

In 2021, the JEI commenced a programme to equip our clerks with paralegal qualification and so to build our capacity. In pursuance of this objective, the Institute is at present funding a National Association of Licensed Paralegals (NALP) Level 3 Diploma in Paralegal Practice course for three members of staff: Mrs. Monic Harvey, Ms. Alvanetta Williams and Ms. Kandra Williams.

The training is being delivered online through Datalaw, based in the United Kingdom and is accredited by Ofqual (the Office of Qualifications and Examinations Regulation, which regulates qualifications, examinations and assessments in England).

The JEI expects to offer this paralegal training at no charge to at least 2 members of staff each year, until all staff of Clerk and Assistant Clerk grade have received the training.

My Lords, in September 2021, JEI also provided our Bailiffs with training on self- defence in collaboration with the Royal Turks and Caicos Islands Police Force. This followed their complaints of threats and harassment during the service of processes, no doubt enhanced during the pandemic.

As a follow-up to the training, we have provided our bailiffs with body cameras which hopefully will reduce the hostility aimed at them from individuals they have to serve with processes.

**Judicial Officers**

In May 2021 members of the Bench and Registrars accessed a judgment writing refresher course delivered by our President Morrison for the Caribbean Association of Judicial Officers (CAJO), through the JEI.

For internal, as well as cross-institutional capacity building, the JEI provided joint training to the Judiciary and our stakeholders to ensure the sustainability of our initiatives. These were:

1. Mediation Seminar

In September 2021, the JEI hosted a half-day Mediation Seminar which included a panel discussion of experienced Mediators on the subjects of: “A Case for Mediation”; “Mediation is Not a One-Size-Fits-All Dispute Resolution Strategy”; “How Mediation is Becoming an Integral Part of Civil Litigation in the 21st Century”; and “Opportunities and Challenges in Court Connected Mediation”.

This seminar was aimed at sensitizing judges, magistrates and the Bar on the limitless scope and benefits of mediation.

1. Criminal Procedure Rules Training

The Criminal Procedure Rules were launched in September 2021 in a virtual ceremony. Under the auspices of JEI, the technical team that drafted the Rules assisted by eminent jurists in the Caribbean Region and the United Kingdom, delivered a two-day intensive training to users of the Rules: the Bench, the Public and Private Bar, the Police, and the Probation Department of the Department of Corrections and Rehabilitation.  The training provided an overview of the Criminal Procedure Rules, 2021 and the legal framework under which it operates. It explained the role and duties of the different stakeholders in the process and shared the practical implications, duties and responsibilities of stakeholders to the Court.

Lastly, in October 2021, the JEI sponsored an online workshop for our entire Bench on Judicial Wellness, conducted by regionally renowned psychologist, Dr Dianne Douglas.

My Lords, the JEI’s 2022 training calendar will be even more robust and stimulating as it will provide for learning in many areas of the law and outside the law, to equip every person who works within the Judiciary, and our stakeholders with enhancing skills.

**STAFFING**

My Lords, the Judiciary currently operates with a very lean staff that works very hard to meet the needs of the public. The Judiciary is working with the Department of Human Resource to expand our staffing complement, and thus, to improve the resilience, and accountability of the institution. We are happy to announce the incremental steps we have achieved so far. We have formally created two new positions. The first is the post of the **Registrar of the Magistrate’s Court** who will be a legally qualified person with demonstrated experience in Court Administration and with expertise to coordinate the activities of the Magistrate’s Courts on all the islands. The post holder is expected to lend strong support to the Chief Magistrate.

The other new position is the **Judicial Research Assistant**.

We expect to have two Judicial Research Assistants who will lend support to Supreme Court Judges and Judges of Appeal, and provide administrative support to the Office of the Chief Justice. For both positions, interviews will be conducted shortly.

*Gratitude*

My Lords, it will be remiss of me not to thank Her Excellency the Deputy Governor and the Director of Human Resource Mr. Greenway, for their help and support in making this happen.

**Self-Regulation:**

**Code of Conduct and Disciplinary Regulations for Judicial Officers**

My Lords, in November 2021, the Judiciary a Code of Conduct and Disciplinary Regulations for Judicial Officers issued by the Judicial Service Commission of the TCI acting in consultation with the Chief Justice.

The intention of this Code is to define the parameters of acceptable conduct that will advance the rule of law and promote public trust and confidence of the judiciary. The Code resolves to uphold the principles of Independence, Propriety, Integrity, Impartiality, Equality, Competence and Diligence and Accountability.

The attached Disciplinary Regulations provide a formal avenue for members of the public to make a complaint against a judicial officer which complaints will be considered by a Disciplinary Tribunal once the complaint, in the opinion of the Chief Justice or the President of the Court of Appeal (as the case may be), discloses a ground of complaint.

Drafts for the Code and Regulations were prepared by two Committees set up by the Chief Justice. The first of these was the Code of Conduct Committee set up in 2020, which comprised of The Honourable Mr. Justice Aziz, The Honourable Ms. Justice Tanya Lobban Jackson, and Her Honour Ms. Kamar Anderson Resident Magistrate Grand Turk who demitted office in 2020; and the second was the Disciplinary Regulations Committee set up in 2021, chaired by The Honourable Mr. Justice Dennis Morrison with The Honourable Ms. Justice Tanya Lobban Jackson and Her Honour Ms Keri Ann Kemble, as members.

**JUDICIAL NEWS**

This brings me now, to a very short account of the happenings at the Judiciary in 2021, that I have not previously outlined.

**Demise of Judge and Appointment of Temporary Judge**

My Lords, in February 2021 Mr. Justice Paul Harrison, the judge appointed for the conduct of the SIPT trial passed on. We held a special sitting of the Supreme Court in his honour. May he rest in peace.

The vacant position of a Judge to conduct the SIPT trial was taken up by the Chief Justice who had held the Civil and Family Docket. A new Judge, Mr. Justice Simons QC was recruited locally, to fill the position of a Civil Judge enable the Chief Justice to conduct the SIPT trials.

**New Staff**

We have now recruited four new support staff into the Judiciary. The Registrar has a new assistant who also acts as our Protocol Officer: Ms Rashadia Palmer. Our Acting Court Administrator also has a new assistant in person of Ms Mickia Hanna. The Supreme Court Registry has a new Assistant Clerk, who works as a Front Office Filing Room Clerk: Ms Shicora Harvey. Finally, the Magistrate’s Court also has a new Assistant Clerk who also operates at the Front Office of the Magistrate’s Court at Old Airport Road in Providenciales: Ms Patral Henfield.

We welcome them all to the fold.

**Departures**

Mr Carlo Mason, who served as our Senior Deputy Registrar for 5 years has now moved on, so has Mrs. Nalini Shiwram-Kulpa, who also served for 5 years as Court Administrator.  We thank them for their service and their contribution to a Judiciary in reform mode and wish them all the best in their present and future endeavours.

**STATISTICS**

As I said at last year’s opening, Judicial independence includes judicial accountability. It is in line with this that I give my Lords an account of our court work in 2021.

**SUPREME COURT AND COURT OF APPEAL**

My Lords, at the Supreme Court and Court of Appeal, this is an overview of our work in 2021.

**Criminal**

In 2021, 62 new criminal cases were filed in the Supreme Court. The number of criminal cases disposed of were 70. Of these, 37 were dismissed, 4 had a verdict of Not Guilty returned, 14 were Guilty pleas, 7 had a Guilty verdict, and 3                                                                                 remitted to Magistrate’s Court.

**Civil**                                                                                                                                                                         111 civil commercial and family cases were filed, which was down by 43 from 2020.

There are at present, 94 active civil, commercial and family pending cases.

The total number of civil commercial and family cases disposed of were 73

**Family (Divorces)**

64 divorces were filed, of these 7 were filed in GDT

44 decrees nisi and 26 decrees absolute were granted

Appeals form Magistrate’s Courts

There were 8 appeals from the Magistrate’s court made up of 5 civil and 3 criminal appeals.

**The SIPT Trials**

At the Supreme Court, what was described as the SIPT trial is now severed into two, the hearing of the first of these commenced in July 2021 and is on-going.

**Court of Appeal**

The total number of appeals filed at the Court of Appeal were 15, made up of 8 civil and 7 criminal appeals. 8 were disposed of.

1 (one) of these appeals was filed in 2021, 5 were filed in 2020 and 2, in 2019

16 appeals have been carried over into 2022.

**Magistrate’s Court**

In 2021, across all Magistrate’s Courts, 541 criminal complaints, 241 traffic matters, 433 civil plaints, 143 domestic proceedings, 8 applications for Adoption, and 31 complaints brought by the National Insurance Board were filed.

In all, 1,397 new cases in all categories were filed; and 888 matters disposed of. The disposal rate in the Magistrate’s Court increased from the total of 604 cases disposed of in 2020.

**PROJECTS 2021/2023**

My Lords, May I provide a short account of where we are, and where we hope to go in relation to our continuing and upcoming projects.

**A PURPOSE-BUILT COURT**

It is no news to Your Lordships that our infrastructure as a court is far from adequate. The Supreme Court at Providenciales occupies rented premises and conducts its business from three premises. The Magistrate’s Court also operates from two rented premises. We have made a case for a purpose-built court in Providenciales, and the Government has promised us one.  The House of Assembly has voted to provide us with a budget of $3 million to build this Court, and we look forward with eager anticipation to that day in the not so distant future when God willing, all persons assembled here and joining us online shall meet to commission a monument to justice: a courthouse building worthy of the Turks and Caicos Islands.

**E-JUDICIARY**

My Lords, at the Legal Year Opening of 2021, I spoke of the Judiciary’s plan to digitize our operations through the introduction of E-Judiciary. I had hoped that we would have by now, joined the train of many other jurisdictions that provide E-solutions to the work of their courts. E-Judiciary provides a paperless court and smart, digitized access for all users including attorneys and members of the public.

Our efforts, which begun in 2020, vigorously continue, and we continue to engage with the government to make the implementation of E-Judiciary a reality in 2022.

The Judiciary is modernizing as we should, and we need to move with the times. My Lords, the times now tell, in the Region and beyond, that old manual systems are obsolete. The future is in digitization and we hope to bring it into being.

**NEW MAGISTRATE’S COURTS – NORTH AND SOUTH CAICOS**

My Lords, the Judiciary is continuing in its effort to bring justice to the doorstep of every person in these islands. Throughout 2021, we continued with our efforts began in 2020, to engage with the Ministry of Infrastructure to retrofit buildings in North and South Caicos to use as dedicated Magistrate’s Courts. We are hopeful that before the end of 2022, these courts will be ready for commissioning.

My Lords, now that we have added Court-Connected Mediation to our services, we need a place to conduct mediations. We are pursuing the acquisition of a dedicated space to use as an Alternative Dispute Resolution Centre. This will be a private and comfortable space where parties may undergo mediation. The provision of this much-needed place will happen shortly.

**OUR STRATEGIC PRIORITIES 2022**

My Lords, in 2022, we shall continue to pursue more reform initiatives. We will in seeking to achieve them, incorporate these strategic priorities:

**Courts Organisation and Administration**

My Lords, we have for some time now, engaged the Attorney General’s Chambers  to provide the Judiciary with legislation that will be in line with current practices, but will also achieve cohesion in administration of the courts at all levels. Armed with this groundbreaking legislation that will bring clarity to judicial offices, the Judiciary will improve its administration, achieving the cohesiveness in the institution that is that this time, somewhat lacking.

**Training for improved Public Engagement**

Customer Care and Appropriate Conduct

Our 2022 Judicial Calendar now has a cross-cutting component of ethics and integrity and as well as customer care.

The Judiciary is poised, as part of its accountability approach, to develop a Code of Conduct for Judicial Staff which will target conduct impacting on judicial duties. My Lords, it is not intended to displace the Code of Conduct for Public Officers, it will complement it, while targeting comportment within the Judiciary.

**Harnessing IT**

My Lords, since the year 2020 introduced Covid-19 to the world, technology that permits virtual proceedings has become *sine qua non* in judicial work. In 2020, the Judiciary embarked on a programme to provide extensive electronic infrastructure. While much has been achieved, there is no denying that the quality of transmission is sometimes poor indeed. My Lords in 2022, we hope that we will improve our electronic infrastructure to the point where reading court proceedings will no longer set the teeth on edge for the poor quality of transmission.

Improvements in our electronic infrastructure will be even more critical with the introduction of E Judiciary.

**Juvenile Justice and Mental Health Issues in Criminal Justice:**

My Lords, the Judiciary is already engaging its stakeholders in addressing gaps in the treatment of mental health issues as they relate to criminal justice. In 2022, we will also focus on ways to meet challenges and  deficiencies in the administration of juvenile justice to bring it in line with global best practices.

**LINKAGES**

**The Criminal Justice Stakeholders’ Group (CJSG)**

I could not conclude my 2021 report without an acknowledgement of the cooperation of the stakeholders I have not yet mentioned.

My Lords, the greatest collaborative relationship we enjoy is with stakeholders in the Criminal Justice Stakeholders’ Group (the CJSG). The CJSG is comprised of the Judiciary, the  Attorney General’s Chambers, the Office of the DPP, the Royal Turks and Caicos Islands Police Force, the Department of Correction and Rehabilitation (formerly HM Prison), the Department of Social Development and Welfare, and the Bar Council.

My Lords, it is the Judiciary’s especial honour and privilege to chair this August body of independent institutions that provides a multi-agency approach to criminal justice.

CJSG’s initiatives include the production of a Report on HM Prison (now the Department of Correction and Rehabilitation), which was presented to His Excellency Governor Nigel Dakin at the Group’s meeting in the last quarter of 2021, The Report was presented to His excellency the Governor at one of our meetings and will no doubt serve to bring needed changes to our prison population, as a benefit to criminal justice.

The Victims and Witness Support Unit, of which our very able DPP has spoken will be delivered by his office.

At this time, we are supporting another of our own: the Department of Social Development, to introduce a mentorship programme in our primary and high schools. Heads of criminal justice institutions will join other volunteers of the House of Assembly to deliver this mentorship programme which will commence shortly.

CJSG now has a quarterly newsletter and official mouthpiece known as ‘Justitia’, and will also shortly publish a calendar of community engagement initiatives.

These initiatives will have the objective of demystifying our work, humanising our institutions, and bringing our work to the doorstep of the people we exist to serve.

**Conclusion**

In conclusion My Lords, I renew my personal pledge and the pledge of the Judiciary, to be untiring in our efforts to live up to our mission to provide access to quality justice. We will endeavour, as much as it lies in our power, to follow through on our plans outlined for 2022, and continue to strive to position ourselves to attain the stature of a resilient, and accountable institution.

And now my Lords, please join me to say thank you to His Excellency the Governor, The Honourable Premier, The Hon Deputy Premier, The Speaker of the House of Assembly, Her Excellency the Deputy Governor, The Director of Human Resources, The Director of DETI, The TCI Cabinet  the House of Assembly, and all our stakeholders who in diverse ways have assisted us in our everyday work, and also in our reform agenda.

My Lords, I must thank you, my esteemed and cherished brethren and all members of the Bench, also the Registrar, the Acting Court Administrator and my longsuffering Law Clerk, who stand with me daily in the discharge of my administrative duties, and all the staff of the Judiciary, for all the hard work and unflinching devotion to our mission of providing access to quality justice.

Lastly, I thank God for the provision of His vast resources that has enabled us to move forward in our reform/modernization agenda.

On that note, My Lords, I now declare the 2022 Legal Year open, and the courts ready for business.

I thank you all so very much for your unwavering support to the Judiciary, and also  for your attention this morning.