



# **LAW ASSOCIATION OF TRINIDAD AND TOBAGO**

## **ANNUAL REPORT OF THE TWENTY-FOURTH COUNCIL OF THE LAW ASSOCIATION OF TRINIDAD AND TOBAGO**

*Presented at:  
25<sup>th</sup> Annual General Meeting  
The Visitor Centre: Upper and Lower levels  
San Fernando Hill  
San Fernando  
Friday 18<sup>th</sup> March 2011*



# LAW ASSOCIATION OF TRINIDAD AND TOBAGO

## SECRETARY'S REPORT 25<sup>th</sup> ANNUAL GENERAL MEETING FRIDAY 18<sup>TH</sup> MARCH 2011

The 24<sup>th</sup> Annual General Meeting of the Law Association of Trinidad and Tobago was held on Friday 19<sup>th</sup> March 2010, at the Hall of Justice Knox Street, Port-of-Spain. At that meeting, the following officers and Members of Council were duly elected:

**President:** **Martin G. Daly SC**

**Vice President:** **Alvin Fitzpatrick SC**

**Treasurer:** **Kemrajh Harrikissoon**

### SENIOR MEMBERS

**Darrell Allahar**

**Janice Clarence-Quamina**

**Patricia Dindyal**

**Nadia Kangaloo**

**Bijili Lalla**

**Lesley-Ann Lucky Samaroo**

**Rajiv Persad** (appointed on the 26<sup>th</sup> October 2010)

**Donna Prowell-Raphael**

**Ricky Rahim** (resigned in September 2010 on his elevation to the Bench)

**Ravi Rajcoomar**

**Lynette Seebaran-Suite**

## **JUNIOR MEMBERS**

**Shankar Bidaisee**

**Daniel Khan**

**Dinesh Rambally**

**Haran Ramkaransingh**

**Sophia Vailloo**

The names of the elected Members of the Council were published in the Trinidad and Tobago Gazette Vol. 49 No. 34 dated 24<sup>th</sup> March 2010.

Patricia Dindyal was appointed as Honorary Secretary pursuant to Section 3 (1) of the Legal Profession Act, 1986, at the 1st meeting of Council on the 13 April, 2010.

Council held (11) regular meetings and (2) special council meetings, during the year under review. A record of attendance of members of Council at meetings is attached as Appendix "X".

Among the more important matters which engaged the attention of the Council this year were the following:

- ❖ Court actions against attorneys who failed to pay fines and/or compensation ordered by the Disciplinary Committee
- ❖ Property at No. 20 Hayes Street, St. Clair
- ❖ Problems encountered at the Prisons by Attorneys-at-Law
- ❖ The continuation of an active drive by the Council to ensure that all practising Attorneys-at-Law are holders of valid practising certificates.
- ❖ Non-acceptance of documents at the Registrar General's Office, Warden's Offices and Board of Inland Revenue
- ❖ Delays in the delivery of judgments and decisions by judicial officers
- ❖ Refusal of documents for filing at the Court Offices in Port of Spain, San Fernando and Tobago
- ❖ Proposed amendments to the Civil Proceedings Rules 1998
- ❖ Bail Amendment Bill

- ❖ Financial Intelligence Unit
- ❖ Interception of Communications Bill

## **ACCOUNTS**

Attached hereto is the Audited Financial Statements for the year ending 31<sup>st</sup> January, 2011

## **20 HAYES STREET, ST. CLAIR**

With regard to the property at Hayes Street, recent developments in our dealings with the Office of the Commissioner of State Lands have been encouraging with regards to obtaining a change of use and execution of an appropriate Deed of Variation. A scaled down building, which would permit addition in increments, is being priced and the property has also been put on the market with a stated price. Meanwhile, the loan taken to finance the property has been paid off in order to eliminate the carrying cost of the property.

## **DISCIPLINARY SANCTIONS**

Following the Court of Appeal decision in the matter of the Law Association vs William Greene, an advertisement was placed in the newspaper indicating Mr. William Greene was suspended from practising law in Trinidad and Tobago

The Secretariat also wrote to the Registrar requesting that annotations be made on the Roll indicating the suspension of Ms. Allison Charles, Mr. Carlton George.

## **THE SECRETARIAT**

The Secretariat has three members of staff at the present time. Members can assist the Council by obtaining information from the website thereby freeing the staff at the Secretariat to perform other required functions.

It will also be helpful if members can follow the guidelines on the website when making an application for a Certificate of Good Standing, a Certificate of Fitness-Special Case Admission and especially when assisting a trainee in making an application for a Certificate of Fitness.

Members are also reminded that prior to the start of an Attachment they are required to register with the Law Association all persons embarking on a six month attachment at their chambers.

## **LEGISLATIVE REVIEW**

Unfortunately, the Council despite its best efforts is unable to comment on all the Bills and Acts as promptly as is desired. However, the Council has made

valuable contributions to the Summary Offences Act, The Bail Amendment Act and the Interception of Communications Bill and we would hope that our suggestions are incorporated in the final product.

### **CONTINUING PROFESSIONAL DEVELOPMENT**

The Council this year has been able to host five seminars. It is hoped that a future Council can continue along these lines and insist that all Attorneys-at-Law attend seminars as a requirement for obtaining a practising certificate.

The seminars that were held are:

#### **Civil Proceedings Rules - Seminar**

The Council hosted a seminar on the new CPR on Saturday 17<sup>th</sup> April, 2010. An invitation was extended to the Honourable Chief Justice, Judges of the Court of Appeal, High Court Judges, Masters, Registrars and Assistant Registrars, some of whom attended. This seminar generated a lot of interest and Attorneys-at-Law highlighted the problems faced in the application of the CPR.

#### **Family Court Enforcement of Orders/ Domestic Violence – Seminar**

A seminar on the enforcement of matrimonial orders was held on the morning of Saturday 17<sup>th</sup> July, 2010 at the Convocation Hall.

This was a well attended seminar where information was shared with many young Attorneys-at-Law who were eager to get guidance from their seniors.

A seminar on Domestic Violence was also held on the afternoon of the 17<sup>th</sup> July, 2010 where stakeholders (Magistrates, Senior Police Officers, Probation Officers, Social Workers and Attorneys-at-Law) were invited to participate. This was a seminar where all attending were high in praise of the organizers.

#### **Seminar on the Evidence (Amendment) Act 2009 incorporating the Audio Visual Rules**

This seminar was held on Saturday 16<sup>th</sup> October, 2010 at the Hugh Wooding Law School and was well attended by Attorneys-at-Law practising at the Criminal Bar.

There were two lively interactive sessions:

1. When the Financial Intelligence legislation was discussed and
2. When the Honourable Minister of Justice addressed the group with his ideas for Criminal Justice Reform.

#### **Mediation Symposium**

The Mediation Board in collaboration with the Council of the Law Association invited all Attorneys-at-Law to a Symposium on "**The Role of the Attorney-**

**at-Law in Mediation”** on Thursday 11<sup>th</sup> November, 2010 at the NALIS Building, Port of Spain.

### **Seminar on Financial Intelligence Legislation**

This seminar was held on Thursday 20<sup>th</sup> January 2011 at the Convocation Hall, Hall of Justice, Knox Street, Port-of-Spain. Members are reminded that all Attorneys-at-Law who are required to register with the FIU must do so by the 10<sup>th</sup> day of May, 2011.

### **DISCIPLINARY COMMITTEE**

The clerk to the Disciplinary Committee Miss Joanna Moore resigned in December 2010 and a replacement was found in February 2011. The Council wishes to thank Miss Moore for her services.

Mr. Jason Mootoo has resigned from the Disciplinary Committee effective 28<sup>th</sup> February, 2011, and the Council wishes to thank Mr. Mootoo for his services.

### **NEW RULES**

Despite all the problems that Attorneys-at-Law face in the application of the Civil Proceedings Rules 1998 and despite the Council's best efforts, no amendments have been made to the CPR since its inception.

The Rules Committee has only had one meeting during the last year.

### **WEBSITE**

The Law Association continues to update the website with information on upcoming events and changes that may affect its members.

The website has links to various sites.

### **PUBLICATIONS**

#### **THE LAWYER JOURNAL**

The latest edition of the Lawyer Journal, Volume 8 No.1 was published in April, 2010

The new edition of the journal is scheduled to be published shortly. It will be on sale at the Secretariat of the Law Association and at the Book Specialist.

### **AMENDMENTS TO ANNUAL CONTRIBUTION TO THE COMPENSATION FUND**

The Attorneys-at-Law (Compensation Fund) Rules, 2006 were drawn up and gazetted in January 2006. The Council is now in a position to process claims against the Compensation Fund. Several claims have been made against the Compensation Fund, and it is quite clear that the annual contribution to the Compensation Fund needs to be adjusted.

The Council reviewed precedents within the region and took a decision to increase the annual contribution to the Compensation Fund. This decision is now placed before the Annual General Meeting for noting and a copy of the Notice of the Increase of the Compensation Fund which will take effect on the 1<sup>st</sup> October 2011 is annexed hereto.

### **WINE & CHEESE PARTY**

This year we had an overwhelming request for Wine and Cheese tickets attracting in excess of 325 members. Specially invited guests in attendance were The Honourable Chief Justice Mr. Justice Ivor Archie, Judges of the Court of Appeal, High Court Judges, Masters, Registrars and Assistant Registrars, the Honourable Attorney General, the Director of Public Prosecutions Mr. Roger Gaspard, and the Honourable Minister of Legal Affairs. The Wine and Cheese party was without a doubt a great success.

### **ANNUAL DINNER**

Our Annual Dinner was a great success with entertainment by Baron, a tassa group and a DJ. Awards were given to the Honourable Justice Lennox Deyalsingh (retired), the Honourable Justice Bissoondath Ramlogan (retired), Theodore Guerra SC, Oudit Ramlogan, Saisnarine Maharaj, Ria Jeanne Seukeran-May and Curtis Wharton on attaining the milestone of 50 years call to the Bar.

Mr. Karl Hudson-Phillips QC, was given a special award for his invaluable contribution to the Legal Profession and for being conferred with the nation's highest Order. Amongst the specially invited guests attending was the Honourable Chief Justice Mr. Justice Ivor Archie. We were also joined by a few of our fellow attorneys from Guyana.

### **ORIENTATION PRESENTATION CEREMONY**

Newly admitted Attorneys-at-Law were introduced to Members of the Judiciary, Senior Attorneys and Members of Council on the 15<sup>th</sup> November, 2010 and were given practical guidelines as to what to expect and what is expected from them as they enter this esteemed profession. Words of wisdom were given by the President of the Law Association Mr. Martin G. Daly SC, The Honourable Mr. Justice Wendell Kangaloo J.A., (Judge of the Court of Appeal), Her Worship Magistrate Nalini Singh, Mr. Gilbert Peterson SC, (Chairman of the Disciplinary Committee), Mr. Chateram Sinanan, (Chairman of the Legal Aid and Advisory Authority) and Mr. Christophe Rodriguez, (Junior Attorney-at-Law).

### **LEGAL PROFESSION ACT 1986**

The Council expects to have a final draft of Amendments to the LPA within the next month.

## **FAMILY COURT**

The Council is committed to ensuring the further roll out of the Family Court, and has been working towards that goal.

Family practitioners are reminded that video-conferencing facilities are available at the Family Court and that a request for same should be made to the Registrar there.

## **COMMENTS BY THE HONORARY SECRETARY**

I wish to thank the President, Members of the Council, the Secretariat and members of the association for their support and help during the past year. Special mention must be made to Sushma Gopeesingh and Shankar Bidaisee who have undertaken the task of promoting the profession at Secondary School Career Days'.

Respectfully submitted:



Patricia Dindyal

**Honorary Secretary**

PD:aa

APPENDIX "A"

**THE 24<sup>ND</sup> COUNCIL OF THE LAW ASSOCIATION OF TRINIDAD & TOBAGO**

**ATTENDANCE RECORD FOR THE YEAR 2010-2011**

Council held (11) regular meetings and (2) Special Council meetings. In total **13** meetings were held.

| NAMES   | NO. OF MEETINGS ATTENDED                              |     |     |     |     |     |                         |     |  |     |      | TOTAL |                         |               |
|---|---|-----|-----|-----|-----|-----|-------------------------|-----|--|-----|------|-------|-------------------------|---------------|
|   | 1st   | 2nd | 3rd | 4th | 5th | 6th | 1 <sup>st</sup> Special | 7th | 8th  | 9th | 10th |       | 2 <sup>nd</sup> Special | 11th          |
| <b>Martin G. Daly S.C.<br/>President</b>            | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | X   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>12</b>     |
| <b>Alvin K. Fitzpatrick S.C.<br/>Vice President</b> | ✓   | X   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>12</b>     |
| <b>Kemrajh Harrikissoon<br/>Treasurer</b>           | ✓   | ✓   | ✓   | ✓   | X   | ✓   | ✓                       | ✓   | ✓  | ✓   | X    | ✓     | ✓                       | <b>11</b>     |
| <b>Patricia Dindyal<br/>Honorary Secretary</b>      | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>13</b>     |
| <b>Darrell P. Allahar</b>                           | ✓   | ✓   | ✓   | X   | ✓   | ✓   | ✓                       | ✓   | X  | X   | X    | ✓     | ✓                       | <b>9</b>      |
| <b>Janice Clarence-Quamina</b>                      | ✓   | ✓   | ✓   | ✓   | ✓   | X   | ✓                       | ✓   | ✓  | ✓   | ✓    | X     | ✓                       | <b>11</b>     |
| <b>Nadia Sharon Kangaloo</b>                        | ✓   | ✓   | ✓   | X   | ✓   | ✓   | ✓                       | X   | ✓  | X   | X    | X     | ✓                       | <b>8</b>      |
| <b>Bijili Lalla</b>                                 | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | X  | ✓   | ✓    | ✓     | X                       | <b>11</b>     |
| <b>Lesley-Ann C. Lucky-Samaroo</b>                  | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>13</b>     |
| <b>Donna Prowell-Raphael</b>                        | ✓   | X   | ✓   | ✓   | ✓   | ✓   | ✓                       | X   | ✓  | X   | ✓    | X     | ✓                       | <b>9</b>      |
| <b>Ravi Rajcoomar</b>                               | ✓   | X   | X   | ✓   | X   | X   | ✓                       | X   | ✓  | X   | ✓    | X     | X                       | <b>5</b>      |
| <b>Lynette Seebaran-Suite</b>                       | ✓   | ✓   | ✓   | ✓   | X   | X   | ✓                       | ✓   | ✓  | X   | ✓    | ✓     | ✓                       | <b>10</b>     |
| <b>Shankar Bidaisee</b>                             | ✓   | ✓   | ✓   | ✓   | ✓   | X   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>12</b>     |
| <b>Daniel Khan</b>                                  | ✓   | ✓   | X   | ✓   | X   | X   | ✓                       | X   | X  | X   | ✓    | ✓     | X                       | <b>6</b>      |
| <b>Dinesh Rambally</b>                              | ✓   | ✓   | ✓   | X   | X   | X   | ✓                       | ✓   | ✓  | X   | X    | ✓     | X                       | <b>7</b>      |
| <b>Haran Ramkaransingh</b>                          | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>13</b>     |
| <b>Sophia Vallool</b>                               | ✓   | ✓   | ✓   | ✓   | ✓   | ✓   | ✓                       | ✓   | ✓  | ✓   | ✓    | ✓     | ✓                       | <b>13</b>     |
| <b>Ricky Rahim</b>                                  | X   | ✓   | ✓   | X   | ✓   | X   | ✓                       | ✓   | <b>* Resigned from Council on 1 Oct 2010</b> |     |      |       | <b>5 of 8</b>           |               |
| <b>Rajiv Persad</b>                                 | <b>** Asked to re-join Council on 26 October 2010</b> |     |     |     |     |     |                         |     | ✓  | ✓   | X    | X     | X                       | <b>2 of 5</b> |



## LAW ASSOCIATION OF TRINIDAD AND TOBAGO

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The Council of the Law Association of Trinidad and Tobago after serious deliberations decided that annual contributions to the Compensation Fund should be increased as follows:

|                   |            |
|-------------------|------------|
| Member overseas   | \$100.00   |
| 0 to 4 years      | \$200.00   |
| 5 to 9 years      | \$400.00   |
| 10 years and over | \$600.00   |
| Senior Counsel    | \$1,200.00 |
| Section 15 A      | \$1,200.00 |

This decision has been taken for the following reasons:

1. Council in recent times has paid out sums of money to members of the public for breaches by attorneys-at-law and the Council for sees that there will be increased future payouts;
2. There has been an increase in complaints against attorneys-at-law and there is a need for additional staff, resulting in increased operational costs of the office of the Disciplinary Committee;

and in the circumstances the Council is of the view that additional monies will be required to settle future claims and maintain a healthy reserve.

Dated this 28<sup>th</sup> day of February 2011

Patricia Dindyal

**HONORARY SECRETARY**

**LAW ASSOCIATION OF TRINIDAD AND TOBAGO**

## PRESIDENT'S REPORT

### 24<sup>th</sup> COUNCIL OF THE LAW ASSOCIATION OF TRINIDAD AND TOBAGO

I have been proud to be your President for the past three years. I regret that the time consuming nature of the office does not permit me to offer myself to be of further service.

The objectives of my tenure as President were set out in my report last year. For ease of reference I set them out again:

1. Strengthening of the corporate governance of the Association.
2. Tighter management of the resources of the Association.
3. Furtherance of the Association's credibility as an organization capable of self-regulation.
4. Maintaining the Association as a commentator on current events with a legal core.
5. Enhancement of working relationships with key players in the administration of justice.

We have made continuing progress in furthering objectives 1 to 4. One highlight of the past year is worthy of particular mention. The Association responded to an invitation from the Government to attend and put forward its views at a bi-partisan meeting of Members of Parliament to review the Interception of Communications Bill. I led the team and for its work in this regard the Association received much favourable comment.

In one important respect, I am somewhat pessimistic about objective 5. Many practitioners believe that the Judiciary has been unresponsive to a constructive review of the Civil Proceedings Rules ("the CPR"). This situation persists although the Council put on a very well attended seminar on the subject of the CPR on April 17, 2010, at which members of the Judiciary were present, some of whom appeared supportive of the critical need to review the CPR after five years of operation.

In addition meetings of the Rules Committee are far too infrequent. The Council considers this unacceptable.

**Law Association  
of Trinidad and Tobago**  
established by the  
Legal Profession Act 1986



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Anesa Abdool  
Head Administrator

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Treasurer - Kemrajn Hamkissoon • Honorary Secretary - Patricia Dindyal

Likewise while the profession is open to the wider use of mediation it does not wish to be force-fed. It is to be noted with interest that Lord Neuberger, the Master of the Rolls and Head of Civil Justice of the United Kingdom has commented in the course of the annual Bentham Lecture that while the development of mediation had been "valuable", it "cannot be the norm, or approach the norm". He continued: "You cannot force people to mediate. If there is no effective access to the courts, the fundamental underpinning to all forms of dispute resolution systems, such as mediation, and even arbitration, falls away."

We were pleased to deepen our relationship with our Tobago colleagues in a practical way by making arrangements for a seminar on the Financial Intelligence Unit to be transmitted to Tobago by means of video link. Members would recall that this had been previously done on the occasion of a lecture by Michael Fordham QC when our colleagues in Tobago participated in a question and answer session.

We were invited to attend the demonstration of facilities to conduct remand hearings by video-conference. Tobago was the venue for the demonstration and it was impressive. We hope that full use would be made of the system.

I thank my colleagues for their co-operation during my tenure of office.



Martin G. Daly S.C.  
President  
March 14, 2011