



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

PRESS STATEMENT

There have been recent comments about the Law Association during the debate on the Legal Profession (Amendment) Bill. Permit me the opportunity to state a few facts which may lead to a better understanding of the role of the Law Association in relation to wrongdoings committed by lawyers.

1. The Association does not condone, but condemns, such wrongdoings. In fact the members of the Council of the Law Association have on several occasions assisted victims of such wrongdoings in invoking the statutory procedure to obtain redress against those lawyers who committed wrongs.
2. The power to discipline lawyers for their wrongdoings has not been given to the Law Association but to a Disciplinary Committee established by the Legal Profession Act and appointed by the Chief Justice, after consultation with the Council of the Law Association.
3. The Disciplinary Committee is served by lawyers who give their service voluntarily and for years has been served by many lawyers who work assiduously in dealing with disciplinary matters. There are two divisions of the Committee, one chaired by the Chairman of the Disciplinary Committee and the other chaired by the Vice Chairman, both of whom are Senior Counsel, and each division meets at least once per week for several hours, except during Court Vacation.
4. The Disciplinary Committee has convicted and continues to convict lawyers when a case of misconduct is made out against them. Some of those convictions have even been the subject of appeal to the Court of Appeal and the Privy Council.
5. The powers which Parliament, through the Legal Profession Act, has given to the Disciplinary Committee are very limited. The Committee can impose fines on lawyers found guilty of misconduct and order them to compensate those whom they have wronged. There are many cases where the Committee has done so. The Committee has not been given power to suspend or disbar lawyers. That power belongs to the Courts and the procedure governing its exercise is cumbersome to the extreme, if not uncertain. Parliament may wish to look at the relevant legislation again in that regard.

6. The Law Association itself has been reviewing the Legislation with a view to suggesting amendments to the relevant parliamentarians because only Parliament – not the Law Association – can amend the legislation. The Council of the Law Association meets in retreat at the end of this month to continue its reviewing exercise.

7. The question of non-lawyers being in the Law Association is difficult to understand or appreciate. The Association is not its Council or the Disciplinary Committee. It is the body of all lawyers entitled to practise law – the members of which are required to pay an annual fee and an annual subscription to the compensation fund. What would non-lawyers do as members of such an Association? If it is being suggested that non-lawyers be members of the Disciplinary Committee that is another matter which must be carefully addressed. The inclusion of persons other than doctors on the Medical Board has already created problems. There was difficulty in getting persons to serve on the Board. First, some of the organizations designated by Parliament to nominate a person to the board were never asked if they wished to be given that power. Second, persons from some of those organizations were reluctant to give of their time and service to a Board in which they had little or no interest and which had nothing to do with their own organization which they prefer to serve. Third, by serving on the Medical Board those persons were now exposing themselves to the stringent requirements of the Integrity Act as it now stands. This some persons are reluctant to do.

8. The Law Association welcomes constructive efforts to bring lawyers guilty of wrongdoing to book. This, however, to a large extent requires amendment to the present legislation which is the function of Parliament.

By Order of the Council

Issued under the hand of

Russell Martineau S.C

President

Friday, February 22, 2008