



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

3rd Floor, Hudson-Phillips Building, 33 St. Vincent Street, Port of Spain, Trinidad, West Indies;
P.O. Box 534, Port of Spain, Trinidad.

Tel/Fax: (868) 625 9350; e-mail: lawassoc@tstt.net.tt, website: www.lawassociationtt.com

NEWSLETTER – February 2008

It has been quite some time since this newsletter was last issued. Since then much has happened with the Law Association and with the legal profession.

Year in review – March to December 2007

Briefly, some of the main highlights-

2007 marked the Association's 20th Anniversary. To observe this, the Council hosted a special cocktail reception and lecture on 1st October and a gala dinner on 16th November. A special edition of our Journal 'The Lawyer' is in its final stages;

The Association, as part of its commitment to continuing professional development, hosted a number of seminars this year: Advocacy Training in February, Preparation of Witness Statements in April, The Land Titles Package in May, and Domestic Violence and Disclosure in Criminal Proceedings in December;

In July the paperwork was finalised on the acquisition of the property at 20, Hayes Street, St Clair. Our Association now has a home of its own. A building committee has been formed, chaired by former President Karl Hudson-Phillips QC, to consider and report on the various alternatives forward. Despite the considerable windfall to be made, the Council has mandated against selling the property.

Members of Council and nominees meet somewhat regularly with members of the Judiciary in Bench/ Bar Meetings, where the concerns – and yes, complaints – of the profession (as relates to the Judiciary and the administration of justice) are raised. Meetings have not been on a fixed basis and the Council is pressing for this;

Members of Council and/or nominees also sit on the Rules Committee of the High Court, the Rules Monitoring Committee, the Family Court Monitoring Committee and other steering and ad hoc committees. Members also represent the Association and profession, when invited to do so at seminars and workshops;

Following upon a retreat of the 20th Council in March 2007 – the expenses for which were borne by members entirely – a reference paper on Conditional/ Contingency Fee Arrangements (CFAs) was published in first draft in July and in final draft in November.

As part of its commitment to fostering a spirit of camaraderie and fellowship, especially with newer members of the profession, members of Council have undertaken in sequence and at their own expense, to hosting at their chambers, a small gathering of younger Attorneys;

We are not just a brainy lot: spear-headed by Vasheist Kokaram, the Association organised a series of cricket-matches in which teams of attorneys played against other teams and eventually against a team of Judges, between May and July;

Except for August, the Association's Council met on the second Tuesday of every month to consider and discuss matters arising. The Disciplinary Committee met on Tuesday and Thursday of every week during the Court terms;

30th – 7th January – Following upon a visit from cricket-playing attorneys from India in late 2006, an invitation was extended to attorneys throughout the Commonwealth to participate in an international cricket tournament for lawyers in Hyderabad, India. A Trinidad team was organised by Vasheist Kokaram and Justice Prakash Moosai and represented our Association and profession with flying colours (and this is despite Justice Moosai's unfortunate knee injury). The next tournament will be held in England in May 2009.

Upcoming events:

- The Association's website (www.lawassociationtt.com) is in the process of being upgraded and revamped. The aim is to make the site more user-friendly so that more information can be placed on the site and be regularly updated by the Secretariat;
- The special 20th Anniversary Edition of 'The Lawyer' is in the final stages of readiness;
- The Council has been discussing issues and matters such as *Continuous Professional Development, Professional Discipline and revamping the Code of Ethics, the Sir Ellis Clarke and Principles of Fairness proposed draft Constitutions, and Proposed Amendments to the LPA*. Various sub-Committees have been formed and reports and/or programmes are expected;
- The 21st Council will be going on retreat – at member's own expense – on 1st and 2nd March 2008 at Tobago Plantations;
- The next Annual General Meeting will be on 14th March 2008 at the Convocation Hall. The Association will be asked to receive and consider the Secretary's Report, the Auditor's Report and Financial Statements, and to vote for the Officers of the 22nd Council.

The Council thanks you for helping us to make 2007 and our 20th Anniversary such a success. 2008 and the new law term have been with us for some time now and the events have already started to unfold. For those of us still trying to recover from this past Carnival Season and for those of us who worked arduously through, we look forward to the year as it progresses- its pressures, its thrills, the laughter, the tears, but most of all the camaraderie. We are a proud embodiment, independent in our own right. The last year was not without its tribulations within the Judiciary and within our profession, but we hope and pray that this year brings calm and fulfilment to us all.

Newsletter Sub-Committee: This Newsletter was published through the kind efforts of Ms Sushma Gopeesingh, Mr Brandon Primus and Mr Haran Ramkaransingh. The Sub-Committee wishes to acknowledge the work of Mrs Natasha Lamy-Ramsden in publishing previous editions of this newsletter and wishes to thank the Association's Secretariat, and in particular Mrs Judy-Ann Prescod, for their invaluable help with this edition.

The following are some of our salient events in chronological order:

March 2007

23rd – The Association’s 21st Annual General Meeting was convened in the San Fernando City Hall Auditorium at Harris Promenade. The Secretary’s Report for the term of the 20th Council was received and considered and the Auditor’s Report and Financial Statements were considered and approved. The following persons were elected as officers of the 21st Council: **President – Russell S Martineau SC; Vice President – Hendrickson RM Seunath SC; Treasurer – Gregory MC Armorer; Senior Ordinary Members – Alvin K Fitzpatrick SC, Kemrajh Harrikissoon; Donna A Prowell-Raphael; Lesley-Ann C Lucky-Samaroo, Patricia Dindyal, Marsha K King, Ravi Rajcoomar, Bijili L Lalla, Vasheist V Kokaram, Darryl P Allahar; Junior Ordinary Members – Rajiv Persad, Haran Ramkaransingh, Gregory Pantin, Brandon VF Primus and Sushma Gopeesingh.**

April 2007

10th – 21st Council held its first monthly meeting. Ms Patricia Dindyal was elected Honorary Secretary.

18th - With the kind assistance of Hon Madam Justice Charmaine Pemberton and CCJ Judge His Honour Adrian Saunders, a seminar was held on the preparation of Witness Statements as are required under the new Civil Practice Rules.

May 2007

2nd - In conjunction with the Ministry of Agriculture, a presentation and discussion was held on the implementation of the new Land Titles Legislative Package. Participants were introduced to the various pieces of legislation and to the various agencies and systems that these have given rise to.

June 2007

Throughout this month a series of cricket matches were organised, where a lawyers team played other local teams.

July 2007

3rd – Pursuant to a request signed by more than 25 practitioner members, a Special General Meeting was convened in the Convocation Hall, Hall of Justice to discuss the situation concerning the Chief Justice (CJ) and the Chief Magistrate (CM). The Association resolved, among other things, to call on the JLSC to suspend the CM, to call upon the Tribunal instituted by His Excellency the President to inquire into the CJ’s alleged misconduct (the Mustill Tribunal), to announce by 25th July the date when it will start hearing, and to conclude its determinations by 31st August.

18th - A Special General Meeting was called to consider two things – whether annual practicing fees should be increased and whether CFAs should be permitted. Discussion on the second issue was adjourned mainly because members only received the Reference Paper at the meeting and wanted an opportunity to consider it. On the first issue it was decided that the scale of fees be increased and that a new category be included. For example, members of more than 10 years call have now have to pay \$2,500.00 and silks have to pay \$6,000.00 annually. This was felt necessary to enable the Association to obtain financing to purchase the property at Hayes Street, St Clair.

29th - The cricket matches culminated with the Lawyers v Judges match held at Riversdale Grounds in St Joseph. Avory Sinanan SC, playing for a mixed Judges team was awarded best bowler, based largely on his hat-trick of taking two wickets consecutive bowls and a third one about two bowls thereafter. The Judges won the Carlyle Barath Challenge Trophy.

August 2007

9th – Volume 7 No 6 of the Association’s bi-annual Journal ‘The Lawyer’ went on sale. It was the only volume issued for the year. Among the articles, was a complete update by Ms Stephanie Daly of her digest on damages. Her digest is regarded as the leading reference material on damages for personal injuries in this jurisdiction and in the eastern Caribbean.

September 2007

17th – 27th – The Mustill Tribunal sat. The Association had a watching brief, and members of Council were rostered to attend at various days of hearing. Also, the Association’s Secretariat sent to members via e-mail, transcripts of the day’s hearings.

October 2007

1st – As part of the observances of our 20th Anniversary, a cocktail reception and lecture was held in the convocation hall of the Hall of Justice. The address was delivered by former Chief Justice and current President of the CCJ His Honour Michael de la Bastide QC, who was our Association’s very first president in 1987. It was enjoyed by all who attended.

November 2007

14th – Following upon an invitation extended by His Honour President de la Bastide during his address on 1st October, members of the Council and of the Association visited the Caribbean Court of Justice at Henry Street, Port-of-Spain and were given a tour of the building and its facilities. Those who visited were impressed with, among other things, the level of technology that the court uses. Persons left with a deeper understanding of and increased confidence in the Court and its work.

16th - The 20th Anniversary Dinner and Gala Ball was held at the Hilton Ballroom. It has been hailed as the most visually spectacular of all Association dinners. Entertainment included mimes and a parang band. The feature presentation was delivered by Orator Mr Paul Keens-Douglas. Mrs. Stephanie Daly was specially honoured for her contribution to our Legal Profession.

23rd- The Special General Meeting that was adjourned on 18th July was convened, to consider and discuss whether CFAs should be permitted in certain specified cases, and if so to approve certain amendments to the Code of Ethics to regulate same. The Reference Paper of July was re-issued in final form a few days before this meeting. Members felt that CFAs should be permitted, among other things as a means of allowing persons to access justice, but felt that the prohibitions against these fees were so entrenched in common law, that to allow them would need an amendment to the *Legal Profession Act* (the *LPA*) itself. The President was mandated to pursue this with the Attorney General.

28th – The Council hosted its annual orientation ceremony where recently admitted attorneys are welcomed into the profession, addressed by a number of persons, given copies of the LPA. Hon Justice Stollmeyer and Hon Magistrate Gibson (as she then was) spoke to the attorneys. Afterwards members of Council interacted with the Attorneys.

December 2007

6th - With the kind assistance of the Public Affairs Section of the US Embassy, a seminar/discussion was held on ‘Domestic Violence’. The feature speaker was Ms Vivian Huelgo, who is a professor at Fordham University School of Law and who is actively involved in domestic violence and family-related matters in New York.

17th – In conjunction with the Criminal Bar Association, a lecture was held at the Hall of Justice on ‘Disclosure in English Criminal Courts’. It was delivered by Mr Nigel Lickley QC of the UK, and was well attended by criminal practitioners.