

**SPEECH BY CHIEF JUSTICE BRIAN M. MOREE**  
**QC AT THE OPENING OF THE LEGAL YEAR ON**  
**8<sup>TH</sup> JANUARY, 2020**

My Lords, My Ladies, other Judicial Officers, Mr. Attorney, President of the Bahamas Bar Association and members of Bar Council, Counsel and Attorneys, invited guests, ladies and gentlemen.

The force of tradition in conjunction with section 54 of the Supreme Court Act summons us each year to mark the official Opening of the Legal Year on the second Wednesday of January. We do so with a respectful mix of worship, ceremony and judicial business ending with a reception before turning to the serious and important business of the administration of justice for the upcoming year. I have attended many of these ceremonies as counsel during the past forty (40) years although this is the first time that I

have the privilege and great honour of presiding as Chief Justice having been appointed just six (6) months ago on 12 June, 2019. I am humbled by this opportunity to serve my country and the Bahamian people and pledge to deploy my very best efforts in the discharge of the duties and responsibilities of my office. A wise and experienced judge in another jurisdiction commented that ***“...the roots of happiness grow deepest in the soil of service.”*** I am at that point in my life where I know the truth of that statement and my hope is that through public service I can, in some small way, contribute to the further development of the Court system and the machinery of justice in our country.

First, I wish to thank God for his many blessings in my life and recognize His providential hand in all things. Also, I thank the Government and people of the Bahamas for affording me the high privilege of

serving as the Head of the Judiciary. On a daily basis, I live with the weight of my constitutional duties as I discharge the obligations and responsibilities of this office.

On behalf of the judiciary, I express a sincere thank you to all who have shown us the courtesy of joining us today to mark the Opening of the 2020 Legal Year. I trust that when the ceremonies and reception have been completed later today you will regard your time with us as well spent.

The Preamble to the Constitution proclaims the establishment of The Bahamas as a free and democratic sovereign nation founded on spiritual values and so it is fitting and appropriate for the Official Annual Opening of the Legal Year to be marked by two church services recognizing, both institutionally as Courts and personally as individuals

involved in the administration of justice, our need for divine guidance as we seek to dispense justice.

On last Sunday, at the invitation of His Grace, the Most Reverend Patrick Pinder, Archbishop of the Catholic Archdiocese of Nassau, we celebrated the Red Mass. It was an edifying and contemplative time for all of us in the Judiciary and I thank His Grace for his challenging and topical homily and for hosting us at St. Francis Cathedral.

This morning, as has become our custom, we walked to Christ Church Cathedral for the annual service to prepare us for the official Opening of the Legal Year. I am grateful to The Very Reverend Harry Bain, Dean and Rector of Christ Church Cathedral, for hosting the Judiciary, members of the Bar and our invited guests. The church service was inspiring and the instructive and interesting sermon of the Very Reverend Bain will

resonate with us long after the proceedings of today are completed.

The ceremonies surrounding this annual event are greatly enhanced and enlivened by the talented, entertaining and world famous Royal Bahamas Police Force Band and the precision and discipline of the Guard of Honour. I thank them for their participation in the official ceremonies and I am grateful to the Commissioner of Police, Supt. Curtis and Supt. Butler for their contributions to this Opening.

I must also express my gratitude to the Justices of the Supreme Court and the Justices of Appeal for their support over the past six (6) months as we have worked together in a common purpose to better serve the Bahamian public through the Office of the Judiciary. Too many of the Justices of the Supreme Court are working in court rooms and chambers which

are wholly unsuitable for the performance of their judicial functions. I will say more about this later but at this time I wish to publicly applaud their commitment, sense of duty and fidelity to the law by pressing on with the job of judging under these circumstances when others would be discouraged and demotivated.

Similar conditions prevail in the case of Registrars and Magistrates and again, they deserve our commendation for working assiduously under adverse circumstances. I extend my appreciation to the Registrar's and Magistrates for their assistance and work over the past six months. Also, I acknowledge and thank the staff of the Judiciary for their hard work and service during the past year. It is because of the collective efforts of all of our judicial officers and staff that our Courts continue to ably carry

out its business in the administration of justice in our country.

Prior to my appointment in June of this year the Judiciary was under the leadership of Acting Chief Justice Vera Watkins. As I stated in the Annual Report, Acting Chief Justice Watkins provided the Judiciary with much needed stability and continuity in the aftermath of the untimely death of former Chief Justice Stephen Isaacs. She is currently on pre-retirement leave and I thank her for her long and distinguished service to the Judiciary and to the country.

I acknowledge the presence of the Acting President of the Court of Appeal, Sir Michael Barnett and the other Justices of the Court of Appeal and thank them for taking the time to join us today. I note that Sir Hartman Longley, the President of the Court of

Appeal is not able to be with us today. He is on pre-retirement leave and is off the Island. Sir Hartman has had a remarkable career in the law. He is one of our most accomplished and distinguished jurists having served as the Head of three levels of our Court system; Chief Magistrate, Chief Justice and President of the Court of Appeal. His humble and quiet demeanour is the perfect temperament for a judge and he is the quintessential personification of the ideal judge described by Socrates who *hears courteously; answers wisely; considers soberly; and decides impartially.*” Sir Hartman has made an immense contribution to our jurisprudence through his scholarly judicial output and his legacy is secure through his many judgments. I thank him for his outstanding service and wish him all the very best in his retirement.



Both Sir Hartman and Senior Justice Watkins declined my invitation to recognize their retirement with a special sitting of the Court. For those of us who know them, that is disappointing but not surprising given their humble and private life styles. I direct that it be recorded in the annals of this court, the Judiciary's recognition and appreciation of the long and distinguished service of Sir Hartman G. Longley, KT and Senior Justice Vera S. Watkins.

I welcome to the Bench Justice Loren Klein and we look forward to working with him. He brings to the Judiciary extensive experience in Civil, Public and International Law which I intend to use when assigning him to Divisions in the Court.

I commend to you the Annual Report which sets out important information and statistics about the business of the Courts in 2019. This year, in addition

to the printed booklet, we are also distributing a wallet size USB flash drive containing the Report reflecting our commitment to integrate new technology into all court activities. Hopefully this will make it more convenient for you to review the Report throughout the year. The Judiciary accepts our obligation to account to the public in connection with our constitutional duties and the Annual Report is a part of our program to discharge this obligation. Given that the Report covers, in summary, the year 2019, I now intend to address you, principally, on the future plans of the Courts.

The need for reform and modernization of our Court System is now impatient of debate. That matter has been settled and what is needed is bold initiatives without, what has been described as, the dead hand of tradition holding back radical and fundamental change. It will involve systemic, procedural,

administrative and operational paradigm shifts. As observed by one commentator - “[t]he challenge is not to avoid change but to direct it.” We in the Judiciary now accept the mantle to direct and implement this change which will involve fundamental re-thinking of our processes and procedures.

### ***(1) New Supreme Court Complex***

The physical structure of a courthouse is the most obvious factor affecting access to justice. To ensure that all persons with legitimate business before the court have access to its proceedings, court facilities need to be safe, accessible, and convenient to use.

Currently the Supreme Court is operating out of seven (7) different buildings in various states of disrepair. Roofs are leaking, ceilings are collapsing and floors are cracking in different areas of the buildings significantly impairing efficient utilization

and optimal productivity. Simply put, the buildings are not suitable for a modern court system. It is not a matter of convenience but functionality. We will only be able to achieve limited progress in our reform and modernization plan in the absence of properly planned, customized, equipped and adequately maintained physical premises. The only real answer is a new Supreme Court Complex.

This subject has been addressed by my predecessors for at least the last 15 years. While officialdom seems to have accepted at an intellectual level the importance of the Courts and the need for proper premises, it has never translated into a national priority or commitment to actually build such a Complex. Rather, what we have seen over the years is a series of *ad hoc* temporary measures costing millions of dollars resulting in the use of a series of renovated old buildings which were never

intended to be used as a courthouse. That is how we have ended up in 7 different buildings spread from George Street to east of Bank Lane. We must recognize that a court house is not simply a number of rooms divided by sheet rock with corridors. Designing court buildings is a specialized business like airports and hospitals. There are international standards and requirements which are peculiar to court systems, not for aesthetic reasons but for optimal efficiency and functionality. Court buildings must provide for separation of different user groups so that, for example, we do not have witnesses coming into contact with accused persons. Put simply, courts require a specially customized building which accommodates the courts, the registries and all support services. We should not wait until the system completely fails before dealing with this problem. Some may think that I am resorting to hyperbole to make my point. To them, I would say – come with me

on a walk around the courts; spend 30 minutes to see the state of the physical infrastructure which we are working in. If it happens to be a rainy day, they should expect to get wet or at least to navigate around the buckets and make shift containers spread around the Swift Justice Building -which is now called Annex 2. They would see the leaking in Justice Winder's court, and the holes in the ceiling and leaking in the Deputy Registrar's office both in Annex 1. I think that they would be shocked at the conditions. Are we to spend more millions of dollars renovating and patching old ill-suited buildings or is it now sensible to stop this drain and actually do what we all know must be done – build a new state of the art customized Court Complex which reflects the aspirations and standards of the Bahamian people so that we can better serve their interests through a reformed and modern Court System. One which is accessible, efficient and effective in protecting the rights and liberties of all in

the Bahamas and adjudicating disputes brought before the Courts.

I am aware that the Government is actively considering the construction of a new Supreme Court Complex and has identified a specific property for the building. The Prime Minister referenced this project during his remarks at the ground breaking ceremony of the new US Embassy last year and identified the old Post Office property as the location for the Supreme Court Complex. I encourage the Government to now move from where we have been for almost two decades to making this long sought after project a reality.

I am aware of the impact of Hurricane Dorian on the finances of the country and so innovative ways of financing the new Supreme Court Complex will have to be developed through the capital markets and/or

possibly some form of Public/Private Partnership. I know that work has been carried out in this area and options have been analyzed. The Judiciary stands ready to lead this initiative as a part of our Reform and Modernization programme and work with all stakeholders if we are provided with the resources. The Courts deserve to be properly resourced and located in buildings which are fit for purpose in order to carry out its vital functions in our democracy. We are understandably in austere times but the words of a judge in England come to mind when he gave this advice: ***“[w]hen the financial masters are cutting budgets they should heed the warning of the former Chairman of the English Bar when he said that “we must be careful that we do not end up knowing the price of everything and the value of nothing.”***



## ***(2) Court Services Bill***

Judicial independence, both institutional and personal, is an essential pre-requisite of the rule of law. It is now incontrovertible that institutional judicial independence involves financial and operational control over the affairs of the Courts. It has been my mantra to remind all who would listen that the Judiciary is not a department, agency or Ministry of the Government; it is constitutionally a co-equal branch of Government with the Executive and the Legislature. Accordingly, as a separate branch of Government, it must be allowed to develop its own institutional capacity to support its services.

Going forward we must do what many other countries have done in advancing the independence of the judiciary – pass legislation to ensure that the funding and operations of the administration of justice are not subject to the influences of the other branches of

Government. Subject to the ultimate supervision of Parliament, the Judiciary should be allowed to manage its own budget while being accountable for executing its constitutional mandates in an efficient and effective manner.

In this regard I understand that the Government has before it the draft Court Services Bill to establish a statutory independent Council as an administrative authority independent of control by the executive government to manage the Courts. I encourage the Government to pass this Bill in order to strengthen the court system, deepen the independence of the Judiciary and facilitate the widespread implementation of reforms.

### ***(3) Supreme Court Rules***

We will introduce new Rules of the Supreme Court based on an adapted and updated version of the CPR

model used around the Commonwealth. A Committee has been working for the past several months and the working draft of the new Rules will be sent to the President and Secretary of the Bar early next week. We had a workshop on the new Rules in November of last year and at that time I stated that we intended to circulate the draft Rules in the first week of December. We were delayed by circumstances outside of our control but the Secretary of the Bar will have the draft Rules at the beginning of next week and I expect that she will circulate the draft to members later that week. We will consult with all stakeholders during the first quarter and conduct workshops, seminars and training sessions for judicial officers, court staff and lawyers during that period. I am planning to finalize the Rules and make them effective before the end of May of this year. I take this opportunity to publicly acknowledge and thank the hard working members of the Committee -

Justice Charles, Justice Stewart, Registrar Camille Gomez, Philip Dunkley QC, Brian Simms QC, Kahlil Parker, David Higgins, Franklyn Williams, Tara Burnside, Terry North, Krystal Rolle, Nicole Sutherland King, Leif Farquharson, Kelley Bostwick-Toote and Meryl Glinton.

The three initiatives mentioned above, a new Supreme Court Complex, the Court Services Bill and the new Supreme Court Rules are transformative reforms which would fundamentally and substantially change our Court System. With the cooperation of the other two branches of Government we have a real opportunity to achieve meaningful and important change.

#### ***(4) The Magistrates Court***

The Report of the Chief Magistrate is in the Annual Report and therefore I can limit my comments to the macro issues affecting those courts.

In our court system it is the Magistrates Courts which have the greatest contact with the public and therefore if we are to modernize and upgrade our justice system so that it works even better for everyone we must start with the Magistrates Courts.

The first point which must be made is that the Magistrates Court Act is outdated and needs to be replaced with a modern statute which reflects the current status and functions of the Stipendiary and Circuit Magistrates as judicial officers.

Secondly, in 2020, the limit of \$5,000.00 on the civil jurisdiction needs to be increased to \$10,000 or

perhaps \$15,000.00. This would reduce the large volume of smaller money claims in the Supreme Court.

The Government recently presented in Parliament a Bill containing provisions to return to the Magistrates the jurisdiction to grant bail in a larger number of cases. This is a welcomed development and will facilitate a more expeditious processing of bail applications if the Bill is passed.

I have communicated to the Chief Magistrate and the other Magistrates my intention to appoint a senior Court Administrator of the Magistrates Court who will have authority to manage and administer all of the non-judicial functions and services of those courts. We cannot continue to expect Registrars to discharge both judicial and administrative duties. As we move to improve the Court's service platform and focus more

directly on productivity and efficiency we will ensure that that there is a full time, dedicated and trained senior management team in place at the Magistrates Court Complex to change the operations in that building. That team will include the Court Administrator, a Human Resources Manager and a Building and Procurement Manager.

We are reviewing all aspects of the work in the Magistrates Court including the way in which cases are assigned, the current type of cases which the different Magistrates Courts are dealing with and the distribution of work between the Magistrates. We are also moving to ensure that external parties or agencies that provide services to the Court through alternative sentencing procedures are certified and are properly accountable to Court authorities. I have asked Mr. Alfred Sears QC, a former Attorney General of the Bahamas, to chair a Committee to

review and report on the current utilization of the alternative sentencing regime and the position of prose defendants in cases before the Magistrates Court. I am pleased that Mr. Sears has agreed to accept this assignment and I thank him for his public service in this regard. The other members of the Committee will be appointed within the next two weeks.

I have also made it known that, while there will be exceptions from time to time because of other responsibilities and duties, I expect all the Magistrates Courts to start at 10:00 a.m. On this point, I want to thank the Commissioner of Police, the Commissioner of the Department of Correction Services and their respective senior officers for their cooperation and assistance in ensuring that persons in custody are transported to the Courts by 9:00 a.m. each working day and that the Prosecutors are ready to start court by 10:00 a.m. Members of the Bar



should take note that court will start on time and govern themselves accordingly.

Late last year the Auditor General's Office conducted an audit of the Accounts Department in the Magistrates Court and I expect to receive the report later this month. We will use this report to inform our decisions on future plans relating to matters and accounting procedures in the Magistrates Court.

The Magistrates Family Court required our immediate attention. Historically this has been a challenging area dealing with a very large volume of cases where money is paid into court pursuant to a court order for ultimate onward payment to the receiving party. Currently, the processing of the orders and disbursement of funds involve unacceptable delays and inconvenience for both paying and receiving parties. Recently we implemented a procedure for

direct bank transfers which has mitigated the problem but under our reform and modernization program we will be introducing a software module for use in the Magistrates Family Court dealing with maintenance payments and other financial support orders for parties involved in proceedings before that court. Under the new procedure, parties will not have to go to the Magistrates Court Complex on Nassau Street to make payments or collect monies. The procedure will be automated and operate similar to the topping up of telephone cards through compact terminals in retail outlets and other public buildings. The Courts published an Expression of Interest Notice in November of last year for this project and received a number of responses. The initial assessment of the responses will be completed shortly and thereafter we expect to work through the process, and launch the module before the end of the first quarter of this year.

This will save an enormous amount of time and inconvenience for the public.

As a part of upgrading the Court service platform we will be introducing a users service desk in the Magistrates Court Building which will assist members of the public in dealing with their business at the courts as we migrate to a more service orientated culture in the Judiciary.

### ***(5) Digital Recording System***

Some years ago a digital recording system was introduced into the Courts with the financial assistance of the American Embassy. For various reasons the project did not achieve its objectives. After reviewing the entire subject of court reporting and looking at the way in which courts around the world are dealing with this issue, we decided to follow the judicial trend and commit to re-launching the

digital recording system. The United States Charge d’Affaires, Ms. Stephanie Bowers, has agreed to provide additional funding for the project and I thank her and Mr. Garrett Wilkinson of the American Embassy, for their assistance. This is another part of the Courts new technology platform and we expect to start with a pilot programme during the first quarter subject to sourcing the additional staff requirements and completing the necessary training. When completed, digital recording systems will be installed in all courts in New Providence and Freeport. Transcription will be carried out as a back office service by voice writers after cross training. This will greatly increase the productivity in the Magistrates Court as currently there are no court reporters in those courts and therefore Magistrates have to keep a handwritten record of the proceedings. This is inefficient and substantially delays the disposition of cases. Our expectation is that the digital recording

system will also facilitate improved productivity in the Supreme Court and also expedite the appeal process particularly if the digital recording itself is the official record thereby reducing the number of transcripts which must be produced. I am pleased to report that I have had discussions with the President and the Acting President of the Court of Appeal and they have both assured me that the Appeal Justices are supportive of the move to utilize more technology in the appeal process.

### ***(6) Bail Management System***

I have previously mentioned that we will be introducing a new software module dealing with bail applications in criminal cases using biometric fingerprint data. The process will be automated through a customized e application with a web based portal for lawyers and other users together with physical kiosks. Initially, the kiosks will be located in

the Criminal Registry, the Bahamas Department of Correctional Services, the Elizabeth Estates Police Station, the Wulff Road Police Station, the East Street South Police Station, the Carmichael Road Police Station, the Quackoo Street Police Station, the Grove Police Station and the Central Police Station. The Bail Management System will expedite the disposition of bail applications, which are an important part of the criminal justice system, and facilitate the more efficient delivery of a core court service to users. This is another component of the new Court technology platform slated for the first quarter.

### ***(7) Bail***

The Bail (Amendment) Bill, 2019, which is the enabling legislation for the new Bail Management System, was introduced in Parliament in December, 2019. We hope that it will be passed later this month

with a short amendment which we have discussed with the Attorney General.

Additionally, I have implemented a judge's roster to deal with urgent bail applications. A judge is assigned for every week and all bail applications which are certified by the Deputy Registrar in the Criminal Registry as urgent will be heard by that judge. The criteria for urgent applications are: (i) if the applicant is pregnant; (ii) if the applicant is a juvenile; (iii) if the applicant is elderly with health issues; (iv) if the applicant has a serious medical condition; and (v) if the bail application is not opposed as certified by one of the designated lawyers in the Office of the Director of Public Prosecutions. The Weekly Roster will be posted on the Judiciary's new web site and also in the Criminal Registry.

## ***(8) Disposition / Court Divisions***

In the Judiciary we are focused on the disposition cycle for cases and the reduction of backlog in all Divisions. On the criminal side we currently have 8 judges hearing cases. It will be necessary to increase this number to 9 or possibly 10 judges within the next few months as we focus on ways of better managing the List on the Criminal Side. However, if we are to reduce the timeline for the disposition of criminal cases we will need the active assistance of all the parties involved in the criminal justice system. Pathologists Reports, Ballistic reports and DNA evidence are all taking as long as 12 months and in some instances longer than that. Scheduling conflicts with lawyers at the private Criminal Bar and lawyers in the DPP's office continue to be problematic and multiple Case Management Conferences have to be curtailed and more vigilance given to applications for adjournments. We will engage the Bar with regard to



these matters but it must be accepted that we are in an era of judge driven court proceedings as the public expects higher levels of efficiency in dealing with cases in the Court system and we intend to deliver on their expectation.

The work of the Court will be allocated between the following Divisions.

**Criminal**; currently 8 judges assigned to this Division;

**Civil / QT** – 5 judges will be assigned to this Division;

**Commercial** – 3 judges will be assigned to this Division;

**Family** – 3 judges will be assigned to this Division;

**Public Law / International** – 3 judges will be assigned to this Division.

**Appeals** - 2 judges will be assigned to this Division.

Cases will be assigned by the Listing Office to the judges in these Divisions based on the type of case.

The judges assigned to each Division will be posted on the Judiciary web site.

### ***(9) Commercial Court / Family Court***

The Commercial Division and the Family Division will in time each have their own court with special Rules. I will be establishing 2 User Groups comprised of lawyers and members of the public involved in specialty areas to assist in setting up the Commercial and Family Courts and drafting the respective Rules.

### ***(10) Listing Office***

We will be changing the procedure for obtaining dates for applications and trials. As a precursor to the implementation of our case management software, lawyers and pro se litigants will apply to the Listing Office by completing the on line Requisition Form posted on our web site. Supporting court documents will be uploaded by the requesting attorney or party

and attached to the Requisition Form. Upon receipt of the Form an email will be automatically sent to the requesting party confirming receipt. The date will be fixed before a judge in the relevant Division and communicated to the requesting party by email. Additional Court documents filed in connection with the application will be emailed to the judges office by the filing party. Until we launch the e filing service, this procedure will run parallel with the current manual procedure but will reduce the problems associated with misplaced files and missing documents. The Requisition Form is already on the web site and I will be issuing a Practice Direction setting out the specific procedures and details later this month. All lawyers will be asked to register with the Listing Office providing their email address and certain other information. Provision will be made for pro se litigants who do not have access to emails.

### ***(11) Duty / Motion Judges***

I will also be establishing a Duty Judge Roster who will hear all urgent non-criminal applications. The Roster will be posted on our web page and in the Listing Office. We will also be introducing motion days for interlocutory applications conducted by Motion judges and Registrars. I will be issuing Practice Directions dealing with both of these matters later this month.

### ***(12) Supreme Court Administrator***

I have informed the judicial officers that I will also be appointing a senior Court Administrator for the Supreme Court who will be responsible for non-judicial functions within the Courts. Registrars will, for the most part, re-focus on judicial duties hearing certain types of interlocutory applications.

### ***(13) Probate Registry***

The Probate Registry is also undergoing changes. Notices will be posted on our web site setting out the requirements for all applications and compliant applications will be processed within a period 90 days. I encourage all lawyers to strictly follow the procedures so the applications can be dealt with expeditiously. We cannot be responsible for delays caused by a failure to follow the legal and procedural requirement. We are currently preparing an inventory of all pending applications and will be seeking to clear out the backlog with the assistance of the Bar.

### ***(14) Judicial Research Counsel***

I am pleased to report that we have delivered on our commitment to provide the judges with much needed and long overdue assistance with legal research and writing Judgments and Rulings. We have engaged five Judicial Research Counsel who commenced

working with the Office of the Judiciary on Monday of this week. This is an important first step in our overall strategy to reduce the disposition cycle for cases. We expect to engage two additional Judicial Research Counsel later this month increasing our initial intake to seven who will be assigned to work with the judges.

### ***(15) ICT Platform***

We will be procuring, installing and operating a modern Information and Communication Technology platform throughout the Court system in the Bahamas. The backbone of the platform will be the Integrated Case Management System which will allow us to deliver a wide range of E Services including E filing, E scheduling, E Payments, E Notices, E Probate and others. The ICMS will also accommodate the new Bail Management System and the new Digital Recording System so we will ultimately have a fully integrated ICT platform hosting

the Case Management System and all the E Services and bespoke module applications.

### ***(16) Digitization Unit***

We will also embark on a major Digitization Program for the Courts. It will involve two components. Digitizing historical documents as of a specified date which will be out sourced to a turnkey service provider as a standalone project based on retrieval criteria. The other component is a court wide scanning policy for all documents going forward as of a certain date. We will be training our staff in the new procedures and procuring scanners, computers and related hardware for all Registries. This will assist us in migrating from a full paper system to the digital storing of information which will greatly enhance efficiencies and the active management of cases from commencement to disposition.

## ***(17) Web Site***

During the last quarter of 2019 we rolled out the newly designed web site for the Judiciary. This will become our major portal for the dissemination of court information and court Forms. By the end of this month all Supreme Court Judgments will be posted on the Web site within 72 hours of being issued. Also, the Cause List for all Judges and Registrars will be on the web site. I am working on the compilation of all valid and subsisting Practice Directions relating to the Courts with the intention of scanning and posting them in an electronic folder on the web site. Those which are no longer applicable will be rescinded and all new Practice Directions will be circulated and posted in that E folder. This will make them easily accessible and going forward, judicial officers will require full compliance with all extant Practice Directions.



### ***(18) Judicial Code of Conduct***

I have established a Committee comprised of judges to prepare a Judicial Code of Conduct broadly based on the Bangalore Principles. Most jurisdictions around the world have such a Code or Judicial Conduct Guidelines and good governance and best practices now require us to formally adopt our own Code of Conduct.

### ***(19) Companies (Winding Up) Rules***

We are also reviewing the Companies (Winding Up) Rules to reflect important developments in the area of insolvency and corporate reorganization. Changes in those Rules will be implemented through the statutory mechanism of the Rules Committee. I have asked Mr. John Delaney QC, a former Attorney General of The Bahamas, to chair this Committee and I am grateful that he has agreed to do so. The Committee is comprised of legal, accounting and insolvency

practitioners and the members of the Committee have already had several meetings and I expect to receive their initial Report before the end of January. I thank Mr. Delaney QC and the other Committee members for their public service in participating in this project.

### ***(20) Mediation Component***

A modern Court system must include multiple dispositional routes thereby avoiding the need to take all filed cases to trial or final adjudication. This means that Alternative Dispute Resolution mechanisms must be a part of our Rules. At this time we are working with a number of groups in the Bahamas to formulate a mediation component to be incorporated into the Court system or as a synergetic adjunct thereto. This requires careful planning and resource capacity building if it is to be practical, effective and sustainable. I regard this subject as a critical part of restructuring our court processes and I will continue

to work with all the stakeholders to find the best solution for our purposes. However, we will need the active ‘buy in’ from the Bar in order to successfully integrate mediation as a viable alternative dispositional tool. In this regard I adopt the observations of the learned author who expressed this point as follows:

***“If ADR is to become a practical reality and not, in the main, a literary subject in this country, [attorneys] will have to recognize the conciliation of cases out of court, and not only the winning of cases in court, as part of their professional vocation.”***

### ***(21) Hurricane Dorian***

The tragic and destructive impact of Hurricane Dorian on our country and particularly Abaco and Grand Bahama has been widely reported throughout. We will be living with the consequences and fall out of the massive hurricane for many years to come. I am

pleased to report that the Court buildings in Marsh Harbour and Grand Bahama escaped major roof and structural damage although there was some interior damage resulting primarily from water leaking into the buildings. Our judicial officers and court staff in Abaco and Grand Bahama endured tremendous hardship as the hurricane pounded those islands for two days. I wish to pay tribute to all of our colleagues in those two islands for their inspirational fortitude in responding to this national crisis. They represent the very best of our Bahamian people.

I must also convey my gratitude to the Judges, the Deputy Registrar, the Magistrates and the staff members of the Courts in Abaco and Grand Bahama for their enormous contributions to the recovery plan and re-opening of the courts in the aftermath of Dorian. Even while dealing with serious personal and family challenges caused by the hurricane, they

worked tirelessly to ensure that the Court's core functions were quickly restored as we moved to resume full court operations. All courts in Grand Bahama and Abaco are now operational although we continue to manage the consequences of Dorian with regard to damaged and destroyed files, re-scheduling court hearings, relocated witnesses and litigants and similar matters.

### ***(22) Freeport Court Complex***

The renovation project to the Supreme Court Complex in Freeport is progressing well. The Supreme Court wing is finished and our expectation is that the Magistrates Court wing will be completed within the next month or two. I wish to acknowledge the hard work and commitment of the general contractor for his industry in minimizing the delays caused by hurricane Dorian and keeping this project moving forward. We look forward to the Court

Opening ceremonies in Freeport tomorrow which will be at the Garnett Levarity Court Complex. We are now engaged in procurement procedures for furniture with a view to a soft re-opening of the fully renovated building later this quarter. We are also reviewing the current compliment of judicial officers in Grand Bahama to determine whether or not additional judicial resources are required for the Northern Region.

### ***(23) Bahamas Judicial Education Institute***

We have now established the Bahamas Judicial Education Institute to fulfill the increasing need for education and training of judicial officers and staff so as to enhance the delivery of justice in The Bahamas. The Institute is mandated to provide structured, judiciary specific programs throughout the course of the legal year for the judiciary. The BJEI is managed by a Board of Directors. The current Board Members

are Justice Ian Winder as Chairman, Justice Deborah Fraser, Justice Cheryl Grant Thompson, Justice Keith Thompson, Registrar Camille Darville-Gomez, Magistrate Ancella Evans and Nicoya Neilly (Administrator).

In 2019 the judiciary was involved in numerous training and education programs. In January, 2019, there was a One Day Training Seminar dealing with Gender Protocols, Enforcement procedures and other topics relevant to all tiers of the judiciary.

In June, 2019, there was a joint training program was held with the Bahamas Bar Association at the Baha Mar Resort. The featured speaker was Justice of Appeal Roy Jones who spoke on dealing with no case submissions. The sessions also focused on the health and wellness of judicial officers and financial matters.

In September, 2019, the BJEI, with the assistance of the Judicial Education Institute of Trinidad & Tobago, hosted a judicial writing seminar for judicial officers and judicial research counsel. Justice Gregory Smith of the Court of Appeal of Trinidad and Tobago facilitated the 2-day workshop entitled “Clarity in Judgment Writing”.

A full program for the legal year 2020 has been planned by the Institute.

### ***Conclusion***

As we commence a new decade the ongoing task of the judiciary is to make clear the centrality of justice for the benefit of society and to lead its ongoing improvement. We all share the common objective of upgrading our justice system so that it works even better for everyone.



It is a daunting challenge but the fear of failure will not impair our endeavours to overhaul the administration of justice. As Jefferson observed: ***“Laws and institutions must go hand in hand with the progress of the human mind . . . We might as well require a man to wear the coat that fitted him as a boy, as civilized society to remain ever under the regime of their ancestors.”***

2020 will be a very busy year. Our intention is to change the trajectory of the Judiciary through incremental progress in different areas. I invite all stakeholders to join me in order to achieve something which is bigger than any of us – the reform and modernization of our entire court system to better serve the people of the Bahamas.

I declare the 2020 Legal year open.