

Marcia and Avason never resigned as magistrates

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Former chief magistrate and short-lived High Court judge, Marcia Ayers-Caesar, never resigned from the magistracy before being appointed a Supreme Court judge by the Judicial and Legal Services Commission (JLSC) and sworn in by President Anthony Carmona.

Neither did Avason Quinlan-Williams who was sworn in as a High Court judge along with Ayers-Caesar on April 12.

Meanwhile, Family Court Justice Betsy-Ann Lambert Peterson, a former senior magistrate, has also not resigned from the magistracy, the Express learned.

Lambert Peterson was appointed a temporary judge of the Family Court in 2010. On February 1, 2012, she was made a puisne judge of the High Court. Her appointment was published in the Trinidad and Tobago Gazette Vol. 51 No. 80 dated April 20, 2012.

Among the matters currently before Lambert Peterson is the application by Children's Authority Director Safiya Noel to be declared a fit guardian for a teenage boy originally committed to St Michael's School for Boys until he turns 18. The decision to move the child into Noel's private residence in December 2016 without a court order is the subject of an investigation by the Ministry of Gender and Child Affairs in the Office of the Prime Minister. Lambert Peterson heard Noel's application on April 28 and adjourned the matter to July 14.

Moot point

Sources yesterday noted that the non-resignation of Ayers-Caesar renders moot the point that she cannot resume her approximately 54 part-heard matters in magistrates' courts across the country because she is *functus officio* (of no further official authority or legal effect).

They add that her non-resignation explains the vocabulary employed by Chief Justice Ivor Archie in his news release as head of the JLSC on April 27. That release stated "...the JLSC has met and agreed to restore Mrs Ayers-Caesar to the Magisterial Bench."

The JLSC met yesterday to address the fallout over their botched judicial appointments.

Ayers-Caesar resigned as a High Court judge on April 27, just two weeks after she was sworn in. The swift resignation followed revelations that she had left 54 part-heard matters in the magistrates' court, all of which would have had to be scrapped and re-started.

Since then, senior counsel Martin Daly, Israel Khan and Pamela Elder have led a chorus of criticism of Archie and the JLSC. Daly and Khan have issued strongly-worded arguments for the resignation of Archie and the other members of the JLSC.

“I remain of the view that the reputational damage to the Judiciary is widespread and destructive of public trust and confidence,” said Daly yesterday.

The Express yesterday e-mailed the Judiciary's communications unit asking whether magistrates are required to resign before being appointed and sworn in as judges, whether Ayers-Caesar, Quinlan-Williams and Lambert Peterson submitted resignations from the magistracy and in what form.

There was no response up to press time.