

CJ defends judges' selection process

Published:

Wednesday, April 12, 2017

Chief Justice Ivor Archie yesterday defended the process used by the Judicial and Legal Service Commission (JLSC) for the selection and appointment of judges.

Addressing reporters after a swearing in ceremony for three new High Court Judges at the Office of the President yesterday, Archie sought to explain the process to dispel what he described as “unfair and uninformed criticism” of the JLSC, which he also chairs.

“This is about about bare the process because we take a lot of trouble to find the best people. We are the only branch of Government that has published and publicly articulated criteria for appointments,” Archie said.

The newly-appointed judges are former chief magistrate Marcia Ayers-Caesar, former magistrate Avason Quinlan-Williams, wife of acting Commissioner of Police Stephen Williams, and attorney Kevin Ramcharan.

Last week, Opposition senator Gerard Ramdeen questioned the process in the appointment of judges and called for more transparency.

Reading from a legal notice on the criteria for the recruitment of judges issued in April 2000, Archie said that the process had always been transparent despite claims to the contrary.

“It is important as well that the public knows that anyone who is appointed has been through one of the most rigorous selection processes you can find anywhere in the region or Commonwealth,” he said.

Among the criteria used, Archie said candidates were selected based on their professional competence, integrity, temperament and experience.

“With professional competence we consider legal training and knowledge, intellectual and analytical ability, mature and objective judgement, communication and organisational skills and interest in developing the law,” Archie said.

He noted that prospective candidates were required to sit an exam to objectively assess their intellectual and analytical ability and underwent a psychometric assessment from an independent service provider to judge their emotional balance and decisiveness. They were also required to submit reference letters from competent persons who are able to assess their suitability for the job based on the JLSC's criteria.

“Every candidate would have been subjected to a rigorous interview. I am surprised that some of them have not changed their minds halfway through the torture we put them through. The fact that they survived and come through that process successfully, I think it is testament to the calibre of persons that we have among the bench today,” Archie said.

Archie also responded to criticism by Ramdeen over the appointment of Appellate Judge Andre Des Vignes ahead more senior judges.

Stating that seniority was not the main criteria for the process, Archie said: “The commission in its constitutional remit may appoint outstanding candidates from wherever they find them, within or outside the Judiciary, and seniority and length of service, while it would be taken into account is not the only factor nor is it a governing factor.”

Archie also said that he was pleased that the all three new judges had decades of previous judicial experience, Ayers-Caesar and Quinlan-Williams who were magistrates and Ramcharan, who had served as a assistant registrar of the High Court in the past.

“That is particularly significant development because the JLSC has heard over the years criticism from magistrates who felt that they had been overlooked for consideration for appointment to what we have termed the “Higher Judiciary”- an expression that I don’t like because we are all judicial officers,” Archie said.

President Anthony Carmona also praised the new judges as he said they all displayed competence and diligence in their careers thus far.

Carmona, himself a former High Court Judge, even said that he was impressed by their early work when he served as Deputy Director of Public Prosecutions.