

Ayers-Caesar must now clear air

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Now that Chief Justice Ivor Archie and the Judicial and Legal Service Commission (JLSC) have attempted to clear the air on the controversy involving former chief magistrate and judge Marcia Ayers-Caesar, it is time for her to follow up by breaking her silence with a full explanatory statements of her own.

This is because the claims against Mrs Ayers-Caesar are so damning that the public must now hear her side of the story, since these allegations have not only besmirched her character and possibly ended her career, but have also thrown the legal fraternity into a further quagmire from which it would be difficult to return.

Indeed, the furore which continues to rage within the judiciary will no doubt continue until the Law Association meets to discuss the matter. Even then, the wounds which have been opened by this matter are unlikely to be soothed quickly. Given all the current signals from some of its most senior members, it seems the CJ and the JLSC will

certainly face a vote of no-confidence.

The reason for this has been aptly put by Senior Counsel Martin Daly is his statement on the issue. Mr Daly notes that JLSC statement on the issue was little more than a confession that it failed to do independent due diligence of its own in the selection process and was duped by Mrs Ayers-Caesar as a consequence.

More critically, Mr Daly notes that it was only after protest over the problems her elevation created within the system that the JLSC "belatedly had an audit conducted of 'the true state of affairs,' thus realising it had been misled."

Mr Daly raises a further question that this paper is in agreement with. How could the JLSC have sought to restore someone who allegedly duped it to the magisterial bench? This act is particularly disturbing since the JLSC, in its statement, also admitted it considered the situation "sufficiently grave to trigger a disciplinary inquiry" against Ayers-Caesar. So how could the



Flashback.... Newly sworn-in High Court Judge Marcia Ayers-Caesar, left, receives her instruments of appointment from President Anthony Carmona during a ceremony at the Office of the President on April 12. Looking on is Chief Justice Ivor Archie. PHOTO: SHIRLEY BAHADUR

esteemed members of the JLSC have concluded this but then still agree Mrs Ayers-Caesar "should be given an opportunity to return to the magistracy to complete the matters that she had left unfinished."

Rather, if Mrs Ayers-Caesar did mislead the JLSC, either wittingly or unwittingly, a different kind of action, would have been warranted, as has been argued by head of the Criminal Bar Association, Pamela Elder SC.

A cursory look at what lies ahead in matters that Mrs Ay-

ers-Caesar dealt with, given that her return is now unlikely, suggests neither the JLSC nor the former chief magistrate fathomed the tailspin they would have thrown the judiciary into before they acted or surely T&T would not be in this current sorry state of affairs.

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So are simple-minded citizens to think that this body, which has gone through countless such appointments before, has been failing to conduct the required level of due diligence before judges are appointed?

If this is the case should society now question previous appointments to the courts? Or are citizens to think that a woman with Ayers-Caesar's legal mind, who has worked her way through the ranks to become chief magistrate, would be unable to weigh the time needed to complete three part-heard matters as opposed to 50-odd cases?

Given the supposed status afforded to the individuals in this particular situation, who then is the public to believe in this matter? Suffice it to say, both parties—the JLSC and Mrs Ayers-Caesar, if we are to take the JLSC's statement as true—are equally culpable in this scenario and must accept responsibility for their actions.

On another note, this newspaper has taken note of Prime Minister Dr Keith Rowley's comment that the Government will not get involved in this. The PM is right given that the judiciary guards its independence jealously as one of the three major arms of the state, and rightly so.