

**Law Association
of Trinidad and Tobago**
established by the
Legal Profession Act 1986



2nd Floor
95-97 Frederick Street
Port-of-Spain
Trinidad, W.I.

Tel: 1-868-625-9350
Tel: 1-868-225-8715
Tel: 1-868-225-8716
Tel: 1-868-225-8717

E-mail:
admin@lawassociationtt.com
ttlawassociation@gmail.com

Website:
www.lawassociationtt.com

Centre for Arbitration and
Dispute Resolution – CADR

Tel: 1-868-221-4944

Email:
arbitration.facility.latt@gmail.com

May 25, 2017

The Hon. Mr. Justice Ivor Archie O.R.T.T.
Chief Justice and Ex Officio Chairman
Judicial and Legal Service Commission (JLSC)
Chief Justice's Chambers
3rd. Floor
Hall of Justice
Knox Street
Port of Spain

Dear Hon. Chief Justice:

RE: Special General Meeting of the Law Association to consider resolutions based upon the facts, matters and circumstances surrounding the appointment of Mrs. Marcia Ayers- Caesar as a High Court Judge, and her subsequent resignation and restoration to the Magistracy.

As you may know, the Council of the Law Association has called a Special General meeting of the Association to be held on June 1st 2017 to consider a number of resolutions based upon the events surrounding the appointment of Mrs. Marcia Ayers-Caesar as a High Court Judge and her subsequent resignation and restoration to the magistracy. A copy of the requisition signed by the requisite number of members, on the basis of which the meeting has been called, is attached for your information.

In order to ensure that members are provided with the relevant facts, in order that any decisions they may make at the meeting are well-informed, I have been mandated by the Council of the Law Association to ask you for certain information, supplemental to the information which the JLSC has already put in the public domain via its press statement on the subject.

The Council had previously been provided with a list of questions by a number of Senior Counsel and this has informed, in part, the questions which we pose to you below.

President– Douglas L. Mendes S.C. • **Vice President** – Rajiv Persad
Treasurer – Theresa Hadad • **Honorary Secretary** – Elena Araujo

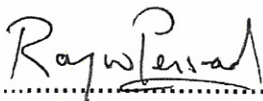
We respectfully request that you provide the Association with answers to these questions which we will pass on to the membership for their consideration.

1. What did Mrs. Ayers-Caesar say to the Commission in answer to the routine question posed to her at her recruitment interview, namely, when she would be in a position to assume duty, should she be successful?
2. What information did the office of the DPA ask Mrs. Ayers-Caesar to provide for the purpose of coordinating her swearing in and what information did she provide?
3. When did the Honourable Chief Justice seek the assurance from Mrs. Ayers-Caesar that she would not be leaving behind a body of unfinished work that would negatively impact the Judiciary and her colleagues? What was her response?
4. Did the Honourable Chief Justice or the Commission make any independent effort to determine whether Mrs. Ayers-Caesar may be leaving behind a body of unfinished work before the Honourable Chief Justice became aware of disquiet about Mrs. Ayers-Caesar's imminent elevation?
5. According to statements in the press attributed to the Honourable Chief Justice as Chairman of the Commission, Mrs. Ayers-Caesar only had paper committals outstanding. Could you please provide the following information:
 - i) Was this based on the list of cases provided by Mrs. Ayers-Caesar which is referred to in the Commission's press statement?;
 - ii) What steps if any, did the Honourable Chief Justice or the Commission take to verify whether this list was accurate?; and
 - iii) Is it correct that the Honourable Chief Justice is provided with a periodic report giving statistical data on matters listed, in progress and concluded in the Magistracy? If so, can it be determined from that report what matters are part- heard before any particular Magistrate? Was that statistical report consulted in the case of Mrs. Ayers-Caesar?;
6. In an interview which was published in the press prior to her swearing in, Senator Gerald Ramdeen raised the issue of the state of the part heard list of Mrs. Ayers-Caesar in the Magistracy. Did the Honourable Chief Justice or any member of the JLSC then consider that the matter of her appointment ought to be revisited or deferred until the position was clarified or regularised?
7. Reports in the press attributed to the Honourable Chief Justice and the

Commission indicate that after her resignation as a High Court Judge, Mrs. Ayers-Caesar was "restored" to the Magistracy.

- i) Did Mrs. Ayers-Caesar resign as Chief Magistrate when she was appointed a judge?;
- ii) If not, how was her employment in the Magistracy determined?;
- iii) Is there any documentation recording the termination of her employment in the Magistracy?;
- iv) Has Mrs. Ayers-Caesar been restored as Chief Magistrate or as an ordinary Magistrate?;
- v) If as Chief Magistrate, did the Commission give any consideration to the legitimate expectations of other Magistrates who are in line for promotion?;
- vi) Having regard to the admission in her letter of resignation (as reported in the Press) that she failed to make full disclosure to the JLSC in relation to her part-heard matters and to the extent that this may reflect on her honesty or integrity, did the Commission give any consideration as to how this would impact on the issue of fitness for office and public confidence in the administration of justice?;
- vii) If Mrs. Ayers-Caesar has been restored as a magistrate when is she expected to continue her part heard matters?; and
- viii) What is to be Mrs. Ayers-Caesar's position upon the conclusion of her part-heard matters?

Thank you very much for your kind assistance.

for 

Douglas Mendes S.C.

President

Law Association of Trinidad and Tobago

Cc: The Hon. Mr. Justice of Appeal Roger Hamel-Smith (Ret.), member of the Judicial and Legal Service Commission;

The Hon. Mr. Justice of Appeal Humphrey Stollmeyer (Ret.), member of the Judicial and Legal Service;

Ms. Maureen Manchouk, Chairman of the Public Service Commission and ex officio member of the Judicial and Legal Service Commission;

Mr. Ernest H. Koylass S.C, member of the Judicial and Legal Service Commission

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