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State attorneys want in on Law Association meeting

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STATE lawyers are seeking permission to attend next week's special general meeting of the Law Association where a motion on a vote of no-confidence in Chief Justice Ivor Archie and the other members of the Judicial and Legal Services Commission (JLSC) will be debated.

They include all attorneys employed at State departments, including the Office of the Director of Public Prosecutions, Attorney General's Office as well as the Solicitor General's department, among others.

Their request was made in a letter to Law Association president, Douglas Mendes, SC, in which they have asked to attend the special general meeting carded for June 1.

They said although they cannot, as law officers, go up for election to the council as they do not pay annual subscription fees, they should be permitted to attend and participate in discussions.

On Thursday of next week, lawyers will vote on a motion which calls for the resignation of Chief Justice Ivor Archie and the JLSC's members for the imbroglio surrounding the appointment of former Chief Magistrate Marcia Ayers-Caesar as a judge and her subsequent resignation.

The request is expected to be considered by the association.

Just two weeks into her appointment as a judge on April 12, Ayers-Caesar resigned her judgeship, admitting she failed to inform the JLSC about the part-heard matters.

In a simultaneous statement, the Judiciary indicated that the JLSC had met and agreed to restore Ayers-Caesar to the magisterial bench but that position later changed and on Wednesday last it was decided that the 53 cases left unresolved will be restarted from the beginning.

Already there has been strong condemnation of this move, with many attorneys, including those whose clients' are affected.

Several leading senior counsel have also repeated their calls for Archie and the JLSC's resignation.

On Thursday, criminal attorney Criston J Williams, who last week wrote to the DPP asking that he either discontinue the matters against six of his clients or immediately file indictments in the High Court, bypassing the preliminary inquiry, criticised the decision.

It was his clients whose near riot at the Port of Spain Magistrates' Court led to Ayers-Caesar's resignation.

"This is the least palatable option for persons most affected by the decision taken. I want to know if the accused were consulted on their ability to hire attorneys or would they be subjected to Legal Aid. Do defence attorneys have to start over these cases for free? What about the ability of the accused to pay for justice to be done when they already expended so much?" he said.

Newsday understands that the Legal Aid and Advisory Board's tenure came to an end on May 15 and a new board is yet to be appointed by Government.

As a result, the Legal Aid and Advisory Authority cannot appoint attorneys to represent accused persons nor can they approve legal fees.

Opposition Senator, attorney Wayne Sturge also said, "This was the obvious way forward there was literally no other option. Sadly, in Trinidad and Tobago paper committals don't work the way they are meant to work and with the criminal bar being so small delay is inevitable. The other obvious issue is the hardship which would be occasioned by the accused who will have to find money to pay for the new proceedings." "I am sure that legal proceedings will be brought to reimburse them for the cost incurred which has been wasted by no fault of their own. Don't be surprised if there is mayhem. You can't expect a man to lose seven years of his life in custody and simply accept that the administration of justice made a mistake. We are all enjoying our liberty while they are

suffering," Sturge said.

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