

Report from RAJIV PERSAD, VP, Law Association of Trinidad and Tobago (LATT)

Meeting with the Chief Justice on the 24th May, 2017

I am preparing this report to provide back ground information on the events in relation to the meeting with Chief Justice Archie that was held on the 24th May, 2017.

Around the 19th May, 2017 I was asked by the President as he was out of the jurisdiction if I will be able to attend a meeting on the 24th May, 2017 and nominate persons to attend with me. I was sent a copy of a letter addressed to the President from Ms. Pierre, the Administrative Secretary to the Chief Justice.

I responded to the President indicating that I was returning to Trinidad on the 21st and therefore available on the 24th May, 2017 to attend and that I would assemble a team to accompany me. Having regard to the subject matter that the letter alluded to, that is "issues of administration of justice in the magistracy" I had a discussion with Ms. Myers asking her to circulate an email to the general membership indicating that there was to be a meeting on the 24th May, 2017 and to invite members to comment on any issues that they may wish to bring to our attention in relation to practice at the Magistrate Court. The intention was that we would collate these issues and raise it at the meeting on Wednesday.

I also took steps to communicate with three practitioners who practiced in different regions of the Magistrate Court and invited them to attend along with myself. In this regard Mr. Varude Badri- Maharaj, (Tunapuna Arima Sangre Grande) Mr. Richard Sirjoo (Central) and Mr. Faraaz Mohammed San Fernando Princes Town, Rio Claro, Siparia) all made themselves available.

Ms. Myers had encouraged me to allow her to speak with Ms. Pierre so that we could had have a better idea of the agenda before we sent out the email to the membership inviting their comments on issues that affected them.

Efforts were made to contact Ms. Pierre on Friday and it was not until Monday that Ms. Myers got in contact with Ms. Pierre. I myself spoke to Ms. Pierre that morning and learnt that the meeting was being convened to deal with among other things the question of the part-heard matters.

This was a surprise to me as it is clear from the letter from Ms. Pierre that the meeting was to deal with "issues of administration of justice in the magistracy". This being the situation I took the decision to co-opt three senior member of the bar who practiced in the criminal courts, these included Sophia Chote SC, Ravi Rajcoomar and Keith Scotland. All these persons confirmed they would attend.

At the meeting the Chief Justice lead a team from the judiciary which included Justice of Appeal Mohammed, Soo Hon, Pemberton as well as Justices Lucky, Browne Antione and Rampersad. Also present was the acting Chief Magistrate as well as Senior Magistrates John, Gonzales and Mohammed. Ms. Chote and I represented the Association and the Director of Public Prosecutions was also present. Both Mr Scotland sent apologies late in the day.

The Chief Justice began by giving a brief introduction, to the effect that having regard to the number of part-heard matters the purpose of the meeting was to hear the views of stake holders on the issue with a view to coming up with a solution on how to resolve this issue.

I indicated that base on the information in the public domain it was unclear when or if at all the former Chief Magistrate would be returning to deal with her part heard matters. I had indicated from my own

experience noted that the part heard matters were being adjourned without any indication as to when the Chief Magistrate would return. I was asked whether the membership of the bar had indicated any sense of what their approach would be and I indicated that there was no consensus, as it was largely dependent of individual counsel. I indicated there were concerns whether the magistrate was functus and other concerns but that those issues would only be resolved when the matters resumed.

Based on what was said by the Chief Justice I formed the clear impression that the former Chief Magistrate was not going to be returning to complete those matters. There were contributions by Ms. Chote and the DPP as well as suggestions by members of the magistracy that they were ready to deal with the part heard matters. The acting Chief Magistrate indicated that they had a team ready to deal with the matters.

From my recollection there was no real discussion on alternatives as it appeared certainly to me that if the Chief Magistrate was not returning to complete her part heard matters then there would be no choice but to start the matters all over.

There was a suggestion by the Magistrates that if the proposed bill to abolish PIs was to be proclaimed this might provide a solution but this was not pursued as it was difficult for any of the persons present to indicate with any degree of certainty when if at all this piece of legislation would come into force.

The Chief Justice did ask all present, if there was consensus that the matters be started de-novo. There was general agreement since it appeared that there were no other choice and no other proposals were put forward by the judiciary on the matter.

The remainder of the discussions focused on how to manage the part heard matters in a manner to ensure that they were dealt with as quickly as possible.

It was not my understanding that the meeting was convened to make decisions, as far as I was concerned we were invited to express our views on the issue of part heard matters and having been given the impression that the Chief Magistrate was not returning to complete her matters, it did not appear that there were much options aside from starting the matters afresh.

At no point in time were we told that the purpose of the meeting was to make any decision and as far as the Law Association was concerned we were there to participate in the discussion as a stake holder. I do not recall a decision being made that the Acting Chief Magistrate was to deal with all PI's and that other magistrates would deal with summary matters, my recollection was that the Acting Chief Magistrate had indicated that she had a team set up to deal with the matter expeditiously, nor do I recall that we were informed that a press release would be issued on the matter.

I know that the President was away so I will take responsibility for not circulating the letter for everyone's attention. My apologies for this.

Rajiv Persad

26th May 2017