

# Marcia resigns after reflection

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Less than a week after taking the oath as a Judge of the High Court, Marcia Ayers-Caesar yesterday resigned and Chief Justice Ivor Archie simultaneously announced she will be reinstated as Chief Magistrate.

In a press release announcing her decision, Ayers-Caesar admitted she never informed the Judicial and Legal Service Commission (JLSC) “of the full state of my list and request further time to bring matters to completion before confirming my readiness to assume duties as a Judge of the Supreme Court.” She said upon “mature reflection” she realised it would have been “preferable” to advise the JLSC of her list.

The Judicial fiasco unravelled on Wednesday after six prisoners on murder charges caused an uproar at the Port-of-Spain Magistrates’ Court after being told their matter, which was being dealt with by Ayers-Caesar, could possibly be restarted due to the elevation of Ayers-Caesar to the bench.

Ayers-Caesar was supposed to have ruled on a submission by the men’s attorneys before leaving for the High Court posting in the seven-year-old case which was near completion.

Only last week, Court Protocol and Information Manager Alicia Carter-Fisher had said many of the matters before Ayers Caesar were paper committals and there was no issue with the appointment.

But in her statement yesterday, Ayers-Caesar acknowledged the concerns raised, saying she had finally recognised the effect “that the failure to complete these matters will invariably have on the stakeholders in the criminal justice system, including accused persons, victims of crime and members of the legal profession.”

Ayers-Caesar said “after careful deliberation, prayer and consultation” with her family, she sought an audience with Archie, following which she delivered her letter of resignation to President Anthony Carmona at 5.30 pm yesterday. She expressed “regret” at the effect “my actions have caused on the very persons whom I strive to serve,” and thanked Carmona and Archie for the confidence placed in her.

But Archie gave Ayers-Caesar a public scolding on the matter, saying “she had failed to manage the transition from the Magistracy to the High Court in a way which ensured that undue hardship was not placed on stakeholders.” He said while she was “selected for elevation” following a “robust selection process” by the JLSC, she had “departed from established practice whereby successful candidates ensured they have fulfilled all outstanding professional obligations before advising the Commission of their availability for appointment to the High Court.”

In his own statement to the media, the CJ said neither he nor the JLSC were made aware of the “full extent of her obligation before the Lower Court before his Excellency fixed the date

for the swearing in of Mrs Ayers-Caesar.” However he said he was “fortified” in her “renewed commitment to place her duty and responsibility to the administration of justice ahead of personal interests, and has noted her willingness to attend to those matters which were pending before her in the magistrates’ courts.”

He said given her commitment to address those outstanding matters “and having regard to the hardships likely to be experienced by accused persons, witnesses and the legal fraternity should matters be restarted, the JLSC has met and agreed to restore Mrs Ayers-Caesar to the Magisterial Bench.”

But Israel Khan SC yesterday said he believes Ayers-Caesar is being made the “fall guy” in what he described as a “comedy of errors.” He said as a sitting magistrate the first question which would have been put to Ayers-Caesar would have been about the matters before her, so that before they inform the President she would have been told to finish off the matters.

Khan said he believes it was only because of the outcry from the Law Association and attorneys who have been speaking out that the situation was being reversed. However, he said he felt “sorry” for Ayers-Caesar, who was also the first woman to be appointed Chief Magistrate.

“She took an oath to serve and then have to resign, and have to go back to the Magistracy, how is she feeling?”

He said the entire JLSC should also resign and speak out on the issue and say what really happened. Khan said the CJ should also be impeached and called on senior attorneys, Criminal Bar Association and Law Association to begin the process to remove him.

The Law Association had also called for the process of selecting judges to be reviewed so as to allow for a more transparent process.

A similar call is coming from attorney Gerald Ramdeen, who first raised the issue about the appointment and the impact it would have on cases. He said as JLSC chair the Chief Justice “must be the first to go and I intend to begin that process to have him removed.”

He said the entire JLSC should also resign as “they have brought the administration of justice into disrepute by this appointment and they are the reason why a sitting judicial officer has had to resign. They should take responsibility for their action and they should all resign.”