

REQUISITION FOR A SPECIAL GENERAL MEETING OF THE LAW ASSOCIATION OF
TRINIDAD AND TOBAGO

We the undersigned Attorneys at law being members of the Law Association of Trinidad and Tobago (LATT) hereby request a Special General Meeting pursuant to Rule 23 of the First Schedule Part A of the Legal Profession Act:

Whereas:



- 1) The Judicial and Legal Service Commission (JLSC) is an executive body established under section 110 Part III of the Constitution of the Republic of Trinidad and Tobago. By section 111 of the Constitution the JLSC is vested with the power to appoint persons to hold or act in any public office as may be prescribed, for appointment to which persons are required to possess legal qualifications including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices. The membership of the JLSC at present comprises the Honourable Chief Justice Ivor Archie, Justice Roger Hamil-Smith, Ms. Marjorie Thorpe and Justice Humphrey Stollmeyer.

- 2) In the exercise of their constitutional powers the JLSC has the mandate and power to select judges of the Supreme Court of the Republic of Trinidad and Tobago. On the 13th April 2000 the JLSC, under the hand of the secretary to the JLSC, published in the Trinidad and Tobago Gazette its general policies and procedures that would be followed for the appointment of judges of the Supreme Court. In the exercise of its powers and in the execution of the policy and procedures set out in its notice of the 13th April 2000 the JLSC must act fairly, impartially and be free from all bias. The exercise of the powers vested in the JLSC must be transparent, open and be able to withstand public scrutiny. At all times the JLSC must exercise its powers in a manner that promotes and instils confidence in the administration of justice. The members of the JLSC are collectively responsible for the execution of their constitutional mandate.

- 1) On the 11th April, 2017 three judges were appointed for the position of puisine judge of the Supreme Court of Judicature of the Republic of Trinidad and Tobago on the advice of the JLSC. On the 12th April 2017 the judiciary and not the JLSC issued a media release on the appointment of the three judges and described the

process employed of selection as “a robust selection process”. One of those appointed was the then Chief Magistrate Marcia Ayers-Caesar.

- 2) It is reported that the Chief Magistrate did not “fully disclose” the extent of her obligations before the lower courts to the JLSC and it appears that the JLSC did not conduct proper due diligence as part of its robust selection process, especially since some of her outstanding matters were widely reported in the media. The Chief Justice as head of the Judiciary and Chairman of the JLSC ought to have had knowledge and access to any information on any part heard matters before the Chief Magistrate and was under an obligation to provide same to the JLSC before any appointment was made. The JLSC was reckless and/or negligent in selecting the Chief Magistrate for appointment as a puisine judge without first ensuring that she had no part heard matters or had completed any part hear matters pending at the time of her appointment which would have had to have been heard de novo thereby causing expense, delay, hardship, injustice and in some cases an extended period of incarceration for those accused persons charged with murder, they not being entitled to bail. It is the settled practice of the JLSC to require that persons being appointed to judicial office are required to complete all outstanding matters before assuming office.
- 3) Subsequent to the appointment of the Chief Magistrate as a puisine judge complaints were made by senior and other members of the Bar and the public at large that the Chief Magistrate appointed to the post of puisine judge had left a large number of part heard matters which would now have to be heard de novo.
- 4) The judiciary of Trinidad and Tobago, and not the JLSC, by a press release dismissed all complaints through its protocol officer saying that many of the matters before the Chief Magistrate were paper committals and there was no issue with the appointment. It was incumbant upon the judiciary which is headed by the Chief Justice to have ascertained all of the facts regarding this matter before issuing any public statement on this matter as a failure so to do and the publishing of incorrect informaiton regarding such an important matter could undermine the public confidence in the administration of justice. The judiciary failed in this duty.
- 5) On the 26th April, 2017 there was a violet incident at the Port of Spain Magistrates’ Court when incarcerated prisoners had their part heard matters

adjourned because of the elevation to puisine judge of the presiding Magistrate in their matters.

- 6) On the 27th April, 2017 there was a press statement signed by Mrs. Marcia Ayers-Caesar indicating that she had resigned as a puisine judge in order to return to the Magistracy to complete her part heard matters.
- 7) On that very day the Court Protocol and Information Manager of the Judiciary, and nt the JLSC, issued a media release saying that the JLSC had met and agreed to restore Mrs. Ayers-Caesar to the magisterial bench.
- 8) It has now been reported in the media that the Chief Magistrate did not resign her post as Chief Magistrate before she took the oath and assumed her appointment and presided over matters as a High Court Judge. Serious questions arise as to whether the JLSC has the power to reinstate Mrs. Ayers-Caesar, she having resigned her post of Chief Magistrate by implication when taking up her appointment and assuming duties as High Court Judge.
- 9) The conduct of the JLSC chaired by the Chief Justice has called into question all of the appointments that have been made by the presently constituted JLSC.
- 10) To date no statement has been forthcoming from the JLSC despite many calls for the Chief Justice and the other members of the Commission to resign. The JLSC has a duty to the public and in the execution of its constitutional mandate to explain to the public the circumstances in which these appointments and reappointments have been made and they have failed in this duty.
- 11) All members of the national community having an interest in the fair, open and impartial administration of justice in Trinidad and Tobago would conclude that the actions and/or omissions of the Chief Justice and the other members of the JLSC have seriously undermined and diminished public confidence in the administration of justice in Trinidad and Tobago in a manner that may be irreparable.
- 12) In the premises be it resolved by the members of the LATT that:
 - i. Voting at this Special General Meeting on any of the resolution be by secret ballot.
 - ii. Having regard to the importance and public interest in the matters to be debated members of the media be allowed to observe and report on the meeting.

- iii. The LATT do express its loss of confidence in the Honourable Chief Justice Ivor Archie as Chief Justice of the Republic of Trinidad and Tobago.
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- v. The LATT do express its loss of confidence in Justice Roger Hamil-Smith, Ms. Marjorie Thorpe and Justice Humphrey Stollmeyer as members of the JLSC.
- vi. The LATT do call upon the Chief Justice Ivor Archie to resign forthwith as Chief Justice of the Republic of Trinidad and Tobago.
- vii. The LATT do call upon Justice Roger Hamil-Smith, Ms. Marjorie Thorpe and Justice Humphrey Stollmeyer to resign as members of the JLSC.

Note- This requisition is issued in counterparts and together shall form a single requisition for the purposes of section 23 of the Legal Profession Act.

Dated this 4th May 2017

Name	Signature
ALANA RAMBARAN	Alana Rambaran
JAMIE MAHARAJ	Jamie Maharaj
KAI-LEIGH PHILLIP	Kai-Leigh Phillip
KARLENE MEDALLA	Karlene Medalla
GINA MAHARAJ	Gina Maharaj
KRISTAL KAWAL	Krystal Kawal
DINIQUÉ WILSON	Diniqué Wilson
JEROME MAXIME	Jerome Maxime
SAASIDA NARINE	Saasida Narine
ALVIA MOOTOO	Alvia Mootoo
DANADAI HARRIPAUL	Danadai Harripaul
KENT SAMLAL	Kent Samlal
DOUGLAS BAYLEY	Douglas Bayley
VIJAY DEOMARINE	Vijay Deomarine
Michael Kalliocharan	Michael Kalliocharan
ZAIRA MOHAMMED	Z. Mohammed

LESTER CHARIAN	L. L. C.
EKI (signature)	Edrick (signature)
Judd Kondeen	GERALD RAMDEON
Grand family SC.	ANAND RAMMOGAN
Devi M. Rammarie	Devi M. Rammarie
Randy (signature)	Randy Sojanan
Amanda Wall	AMANDA WALL
JOVA (signature)	ROGER-MARIE ICAWALSINGA
Andee Andee	JAVED O. MOHAMMED
Arshad Mohammed	Andee Andee
Ideal Ramad	Adel Z. Al.
R. N. (signature)	RAKASH MAHARAJ
Prood (signature)	STEPHEN BOODRAM
Harsh (signature)	HARSH S SHUKLA
Pun (signature)	Prem Persoo Maharaj
RENU TEERASINGH	Renu Teerasingh
TRISHANA RAMNATH	Trishana Ramnath
SHIVAN SEHWAKINE	(signature)
Lauren Stacy Rantahal	LRantahal
Crystal Maharaj	Crystal Maharaj
REBEKAH (signature)	REBEKAH
GANESH SAROOP	Ganesh Saroop
JAYANTI LUTCHMEDIAL	Jayanti Lutchmedial
KAVITA SARRAN	Kavita Sarran
ROBERT MITCHELL	Robert Mitchell
WAYNE STURGE	Wayne Sturge

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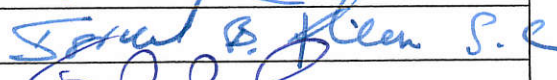
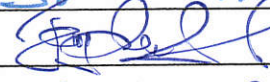
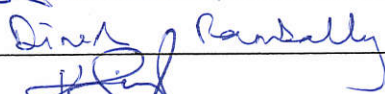
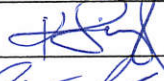
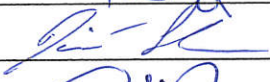
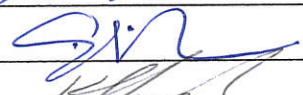
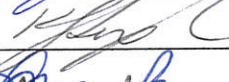
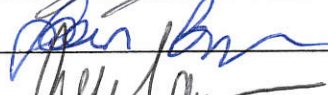
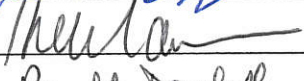

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Name	Signature
RAVI RAJWOOMAR	
ISRAEL B KHAN	
SAUREO SINGH	
DINESH RAMRALLY	
KARINA SINGH	
DESIRÉE E SAWKAR	
Elizabeth Darwish	
KARUNAA BIBRAMSINGH	
JOAN BYRNE	
KELVIN RAMKISSOON	
RONALD DOWLATH	

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Name	Signature
SUSHMA GOPEESINGH	<i>Sushma Gopeesingh</i>
NISHA K. PERSAD	<i>Nisha K. Persad</i>
PATRICIA DINDYAL	<i>P. Dindyal</i>

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- 8) It has now been reported in the media that the Chief Magistrate did not resign her post as Chief Magistrate before she took the oath and assumed her appointment and presided over matters as a High Court Judge. Serious questions arise as to whether the JLSC has the power to reinstate Mrs. Ayers-Caesar, she having resigned her post of Chief Magistrate by implication when taking up her appointment and assuming duties as High Court Judge.
- 9) The conduct of the JLSC chaired by the Chief Justice has called into question all of the appointments that have been made by the presently constituted JLSC.

10) To date no statement has been forthcoming from the JLSC despite many calls for the Chief Justice and the other members of the Commission to resign. The JLSC has a duty to the public and in the execution of its constitutional mandate to explain to the public the circumstances in which these appointments and reappointments have been made and they have failed in this duty.


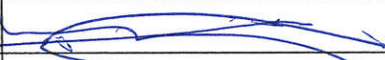

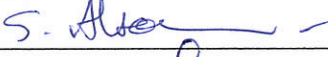
11) All members of the national community having an interest in the fair, open and impartial administration of justice in Trinidad and Tobago would conclude that the actions and/or omissions of the Chief Justice and the other members of the JLSC have seriously undermined and diminished public confidence in the administration of justice in Trinidad and Tobago in a manner that may be irreparable.

12) In the premises be it resolved by the members of the LATT that:

- i. Voting at this Special General Meeting on any of the resolutions be by secret ballot.
- ii. Having regard to the importance and public interest in the matters to be debated members of the media be allowed to observe and report on the meeting.
- iii. The LATT do express its loss of confidence in the Honourable Chief Justice Ivor Archie as Chief Justice of the Republic of Trinidad and Tobago.
- iv. The LATT do express its loss of confidence in the Honourable Chief Justice Ivor Archie as Chairman of the JLSC.
- v. The LATT do express its loss of confidence in Justice Roger Hamil-Smith, Ms. Marjorie Thorpe and Justice Humphrey Stollmeyer as members of the JLSC.
- vi. The LATT do call upon the Chief Justice Ivor Archie to resign forthwith as Chief Justice of the Republic of Trinidad and Tobago.
- vii. The LATT do call upon Justice Roger Hamil-Smith, Ms. Marjorie Thorpe and Justice Humphrey Stollmeyer to resign as members of the JLSC.

Note- This requisition is issued in counterparts and together shall form a single requisition for the purposes of section 23 of the Legal Profession Act.

Dated this 4th May 2017

Name	Signature
Derek Ball	
MARIO MARRIJA	
KIEL TAHLALSINGH	
S. Alvar	
Kahua Labrayh	