

31st May 2017

Mr. Douglas Mendes SC
President of the Law Association of Trinidad and Tobago
2nd Floor
No. 95-97 Frederick Street
Port of Spain

Dear Mr. Mendes SC,

**RE: SPECIAL GENERAL MEETING OF THE LAW ASSOCIATION OF
TRINIDAD AND TOBAGO ("LATT") ON JUNE 1, 2017**

The subject matter refers.

We write to express our acute concern at the resolutions carded to be debated at the Law Association Special General Meeting. We have given careful consideration to the requisition and documents the Association has helpfully provided to its membership by email at 2:00pm on 31 May 2017. Our reading of that material gives rise to several fundamental objections to the holding of a meeting of the LATT for the purpose set out in the requisition to which we refer below.

First, it is obvious that a great deal has gone wrong. This much is apparent from the Commission's detailed press statement dated 9 May 2017 setting out its role in the events leading, and subsequent, to the three appointments made on 12 April 2017.

Secondly, the Meeting does not have all the facts. This is evident from the Law Association's letters dated 25 and 30 May 2017 addressed respectively to the Honourable Chief Justice and the differing reports from Ms. Sophia Chote SC and Rajiv Persad of the stakeholder meeting held on 24 May 2017. It is also evident that before one either attributes or absolves from blame it is essential to have those facts.

Thirdly, we have an abiding sense of disquiet about the proposed resolution of no-confidence in the Lord Chief Justice and members of the Judicial and Legal Services Commission. By its very nature, such a vote of no confidence is a final motion of censure before the facts are gathered and understood.

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Fourthly, the Association in facilitating such a debate appears to us, to run the risk of acting inconsistently with the objects, spirit and intent of the Legal Profession Act especially Section 5 which mandates the Association, to uphold the administration of justice and the Rule of Law. The proposed motion undermines the constitutional standard in sections 136 & 137 of the Constitution, which prescribe both the standard and process for the removal of the Judicial and Legal Service Commission.

The proposed motion of no confidence is not only premature but appears to defy clearly established constitutional principles and procedures. Therefore it appears inconsistent with the aforementioned objects of the Legal Profession Act, and will only serve to undermine the proper administration of justice and further weaken the public trust and confidence in the Judiciary, the Commission and the rule of Law.

Fifthly, the motion of no confidence appears to lack procedural fairness. The Lord Chief Justice and those Commission members who are not part of the Association, cannot be heard on the proposed motion. This failing threatens the legitimacy of the process, and cannot be cured by simply asking a series of pertinent questions.

It is apparent that what has gone awry with the process needs to be the subject of discussion, debate and reform at the hands of the Association, however, it should actively avoid the risk of undermining of the independence of the judiciary and public confidence in the administration of justice. Such a position is inimical to the object and purpose of the LATT. For these reasons we are of the respectful view that the Association should amend the resolution and not permit a debate on the resolution as drafted.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ian L. Benjamin".

Ian L. Benjamin

Annabelle Sooklal

Justin Phelps

Keston D. McQuilkin

Jerome K. Herrera

Tekiyah Jorsling