



# LAW ASSOCIATION OF TRINIDAD AND TOBAGO

---

## **MEDIA RELEASE**

The Council of the Law Association of Trinidad and Tobago has noted the unanimous findings of the Court of Appeal in the matter of Marcia Ayers-Caesar versus the Judicial and Legal Services Commission (JLSC) and the Attorney General of Trinidad and Tobago, delivered on 12<sup>th</sup> October 2023.

The Court of Appeal has found that :

1. The JLSC acted illegally and ultra vires the Constitution when, on 27<sup>th</sup> April 2017 it gave Ayers-Caesar J. the option of withdrawing from the High Court Bench and returning to the Magistracy to discharge her professional responsibilities and in the event she refused to withdraw, represented that it would consider instituting disciplinary action against her.
2. The Commission's decision and its communication of that decision amounted to illegal conduct because it was intended to threaten, coerce and pressure Ayers-Caesar J. into resigning from office contrary to the provisions of the Constitution for the removal of Judges and that in fact, Ayers-Caesar J. was coerced and forced out of office.
3. The resignation of Ayers-Caesar J. has been procured by illegal conduct on the part of the JLSC as the Commission ventured outside of its legal remit.

The mandate of the Legal Profession Act requires us as an Association to promote, maintain and support the administration of justice and the rule of law. We note that the JLSC is perhaps the most senior of all Service Commissions since it is chaired by the Honourable Chief Justice. The JLSC is uniquely important since it is part of the machinery to ensure that appropriate candidates are selected for the Bench and that as Judges they are protected from anything which may amount to an incursion in terms of the independent discharge of their duties.

While the Court of Appeal found no sinister motive on the part of the JLSC and that the JLSC was motivated by public interest considerations, the LATT remains concerned about what the Court of Appeal found was unlawful conduct which procured the resignation of a sitting Judge.

No decision has yet been announced as to whether leave will be sought to appeal to the Privy Council. Nevertheless, the Court of Appeal has made a strong statement concerning the need to protect the independence of the judiciary, and the LATT stands in support of this position.

**LAW ASSOCIATION OF TRINIDAD AND TOBAGO**

**19<sup>th</sup> October 2023**