



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

The Law Association of Trinidad and Tobago extends its congratulations to the recently admitted members of the Inner Bar.

This notwithstanding, the LATT reiterates that the Association has been on record for a number of years in making a call for the reformation of the method of selection and appointment of Senior Counsel away from the sole choice of the Executive, in effect the Prime Minister, into a transparent and independent process which does not suffer from a lack of accountability.

The historical process for the appointment of Senior Counsel is set out in the Trinidad and Tobago Gazette of Saturday, 15th February 1964, entitled "*Procedure for the Appointment of Queens Counsel*". It provides that appointments should be made by the Governor General on the advice of the Prime Minister. Members who desired to be appointed would submit their applications to the Attorney General, who would consult with the Chief Justice and such other persons or bodies as he considered necessary, but he would not be under any obligation to do so. After his consultations, the Attorney General would submit his recommendations to the Prime Minister, who would advise the Governor General on what appointments to make.

In 1977, the then Attorney General caused to be published the Trinidad and Tobago Gazette the criteria which applicants would have to meet, including:

- Professional eminence and distinction
- Sound intellectual ability and a thorough, comprehensive and up-to-date knowledge of law and practice in the fields in which they practice
- Outstanding ability as an advocate in the higher courts
- The highest professional standing
- Total professional integrity
- Maturity of judgement and balance

- A high quality of practice of at least 10 years in the higher courts

Ultimately, however, the choices are in the sole discretion of the Prime Minister and, therefore, prone to the charge of political bias. There is no provision for how often applications are to be invited or guidance on the numbers that would be admitted at each call. There is no indication of the various categories of applications that would be awarded, for example, distinguished and senior practising advocates, distinguished attorneys who practise primarily other than in the courts or high office holders such as heads of departments within the State.

The Law Association has produced a document entitled 'The Report of the 29th Council on the Appointment of Senior Counsel', adopted in a general meeting of the LATT in 2015, which recommends, inter alia, a transparent procedure for the appointment of Senior Counsel. The appointments would be made by the President of the Republic on the recommendation of an independent panel comprising the Chief Justice, the Attorney General, 3 Judges of the Supreme Court and 3 Senior Counsel appointed by the Law Association. Since then, and before, the Law Association has been advocating with successive Attorneys General for the reform of the process, to no avail.

As frequently happens, Trinidad and Tobago remains bogged down by our archaic and inherited colonial processes, whilst the United Kingdom itself has moved on to better practices. Other Commonwealth countries, including Australia, Singapore, and Canada, have transitioned to more transparent and independent methods of appointments to the Inner Bar. In Jamaica, for example, the Prime Minister advises the Governor General to appoint persons recommended by an independent committee. There is expressly reserved to the Prime Minister, a right to appoint additional persons by virtue of office and traditionally, Attorneys General, Solicitors General and Directors of Public Prosecutions are automatically appointed. In some of the other Commonwealth jurisdictions cited appointments are made annually, rather than at arbitrary intervals of time as pertains within this jurisdiction.

The Law Association once again calls for the adoption of the recommendations of its 'Report of the 29th Council on the Appointment of Senior Counsel' to ensure a transparent and independent process of selection at specified intervals, which is not subject ultimately to the dictates of the Executive.

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21st June 2024