

## LIST OF PARTICIPANTS

<u>Name</u>	<u>Country</u>	<u>Designation</u>
Hon. Brian Alleyne, SC	St. Lucia	Chief Justice [Ag.]
Hon. Christopher Gardner, QC	Turks & Caicos Islands	Chief Justice
Hon. Michael Gordon, QC	St. Lucia	COA Judge
Hon. Denys Barrow, SC	St. Lucia	COA Judge
Hon. Hugh Rawlins	St. Lucia	COA Judge
Hon. Kenneth Benjamin	Grenada	HC Judge
Hon. Indra Charles	B.V.I.	HC Judge
Hon. Frederick Bruce-Lyle	St. Vincent	HC Judge
Hon. Davidson Baptiste	Grenada	HC Judge
Hon. Ola Mae Edwards	S. Lucia	HC Judge
Hon. Rita Olivetti	B.V.I.	HC Judge
Hon. Errol Thomas	Antigua & Barbuda	HC Judge
Hon. Janice Creque	Anguilla	HC Judge
Hon. Louise Blenman	Antigua & Barbuda	HC Judge
Hon. Francis Belle	St. Kitts	HC Judge
Hon. Gertel Thom	St. Vincent	HC Judge
Hon. Sandra Mason, QC	St. Lucia	HC Judge
Hon. Ianthea Octave	Nevis	HC Judge
Hon. Norma Wade-Miller	Bermuda	Judge
Hon. Margaret Reifer	Barbados	Judge
Master Brian Cottle	St. Vincent	Master
Master Cheryl Mathurin	Antigua & Barbuda	Master
Ms. Heather Franklyn	St. Lucia	Chief Registrar [Ag]
Ms. Nicole Sylvester	St. Vincent	OECS Bar Rep.
Mr. Michael Bruney	Dominica	OECS Bar Rep.
Mrs. Turkessa Antoine	St. Lucia	Judicial Clerk

### FACILITATORS

*Justice Adrian Saunders*

*Mr. Christopher Malcolm*

*Mr. Charles Maynard*



### CONFERENCE SECRETARIAT

**Alana Simmons** - Conference Coordinator  
**Natacha James** - Conference Secretary  
**Dorcia James-Callender** - Conference Secretary

The Judicial Education Institute (JEI)

of the

Eastern Caribbean Supreme Court (ECSC)



## ANNUAL JUDICIAL CONFERENCE [AJC] 2006

*The Evolving Jurisprudence in the Caribbean*

July 31st - August 4th, 2006

Jungle Bay Resort & Spa  
Dominica

# DAY ONE – Monday July 31<sup>st</sup>, 2006

## Session Chair

Hon. Ianthea Leigertwood Octave

9.30 – 10.10 “AJC 2006 - Setting the Stage”

### Opening Prayer

*Hon. Louise Blenman*

### Welcome Address

*Hon. Ian Douglas*

*Attorney General, Dominica*

### Opening Address

*Hon. Brian Alleyne, SC*

Choice of Conference Theme/Objective

*Hon. Hugh Rawlins*

### Objectives:

Identify the goals of an annual judicial conference

Identify the objective of this year's conference

Identify the relevance of this year's theme

10.10 – 10.40

### Feature Address

**President of the Commonwealth of Dominica**

*His Excellency Dr. Nicholas J.O. Liverpool*

10:40 – 10:50

### HEALTH BREAK

10:50 - 11:45

### The Caribbean Court of Justice and the Evolving Jurisprudence

*Presenter: Hon. Justice Adrian Saunders*

*Judge Caribbean Court of Justice*

11:45 – 12:45

### Discussion

12:45 - 2:00

### LUNCH

## Mr. Christopher Malcolm

Christopher Phillip Malcolm LL.B. (Hons) (UWI), LL.M. – Banking & Finance (London), MCI Arb.

Christopher Malcolm is an attorney-at-law of the Jamaica Bar and also of the Dominica Bar. He is a consultant attorney-at-law with Cowan Dunkley & Cowan and former Lecturer in the Faculty of Law, University of the West Indies, Mona. Christopher is also a member of the Chartered Institute of Arbitrators.

Christopher has law degrees from the University of the West Indies and also from the Centre for Commercial Law Studies, Queen Mary University of London. He read for his Master of Laws degree in Banking and Finance as a commonwealth scholar and is currently pursuing further research as a Scholar in the International Financial Law Unit, Centre for Commercial Law Studies, Queen Mary University of London. His research focus is *Caribbean Integration and Economic Development – A Case for Financial Harmonisation*.

Christopher's research interests include: Regional Integration and Economic Development, International Trade and Investment, Trade and Investment Dispute Settlement, International and Comparative Commercial Arbitration, Banking and Finance, and Regulation of the Financial Market. He has published refereed articles in the Journal of International Regulation, Law and Business Review of the Americas and the Caribbean Law Review. His published articles include: 'The Settlement of Foreign Investment Disputes: Distilling Some of the Considerations for Jamaican Arbitration Practitioners' (Caribbean Law Review, June & December 2004), 'Re-thinking the Framework for Regulation of the Jamaican Financial Sector' (Journal of International Banking Regulation, Volume 5 Number 4) and 'Dispute Settlement Vulnerability: Distilling some Concerns for Small Latin American and Caribbean States under the Proposed FTAA' (Law and Business Review of the Americas, Volume 10 Issue 3). His active research is directed primarily to the financial sector. Pending publications include: 'Financial Harmonisation in the OECS: Implications for Integrated Development in CARICOM' (ch 17) in K Hall & D Benn *Production Integration in the CSME: from Theory to Action* (forthcoming June 2006), 'The Assignment of Bank Debts under Jamaican Law' and 'Receivership of Bank Held Assets: An Examination of Receiver Obligations under Jamaican Law'.

Christopher is the Founding Editor of the LForum Newsletter, an electronic publication of the London Forum for International Economic Law and Development. The newsletter focuses on developing country issues. He has a particular interest in continuing professional education and is a member of the Continuing Legal Education Committee of the Jamaica Bar Association. He has also been involved in teaching aspects of WTO-related dispute settlement to Caribbean civil servants. email: [c.p.malcolm@qmul.ac.uk](mailto:c.p.malcolm@qmul.ac.uk); [filmalc@hotmail.com](mailto:filmalc@hotmail.com)

## Justice Adrian Saunders

The Honourable Mr. Justice Adrian Dudley Saunders was born in St. Vincent on 4th January 1954, the last of five children of the late Thomas Saunders and Theo Saunders. Mr. Justice Saunders attended St. Mary's Primary School and later St. Vincent Grammar School in St. Vincent where he was the Head Boy during the 1971-1972 academic year.

After secondary school, Mr. Justice Saunders took the Bachelor of Laws (Honours) degree from the University of the West Indies (Cave Hill) in 1975. He followed this with the Legal Education Certificate of the Hugh Wooding Law School in Trinidad & Tobago in 1977, and was called to the Bar of St. Vincent & the Grenadines in that same year.

Mr. Justice Saunders remained in private practice as barrister and solicitor from 1977 until 1996. From 1985 to 1994, he served as a member of the Bar Council of the Eastern Caribbean Bar Association, while occupying the post of Secretary of the St. Vincent Bar Association during that same period. In 1996, he was appointed to act as a Judge of the Eastern Caribbean Supreme Court (ECS). At the time of his appointment, he was the Senior Partner in the firm of Saunders & Huggins. In January 1997 he was confirmed as a High Court Judge, being first assigned to the dependent territories of Montserrat and Anguilla and then in 2001 to St. Lucia.

On 1st May, 2003, Mr. Justice Saunders was appointed Justice of Appeal of the ECS and in June 2004, was appointed to act as Chief Justice of the Eastern Caribbean Supreme Court in the absence of Sir Dennis Byron who is on leave, having taken up a United Nations appointment in Arusha until 2007. Mr. Justice Saunders took the oath of office as a Judge of the Caribbean Court of Justice at the Court's Inauguration Ceremony, on Saturday 16 April 2005.

Since being appointed a Judge of the ECSC, Mr. Justice Saunders has been deeply involved in judicial reform in the Eastern Caribbean. He has been a faculty member of the Halifax-based Commonwealth Judicial Education Institute since 1998, and as such has regularly participated in judicial education programmes for Judges from throughout the Commonwealth. Mr. Justice Saunders served as Chairman of the Judicial Education Institute of the ECSC from 2001 to 2004. From 2000 to 2004, he sat as Chairman of the Ethics Committee of the ECSC, presiding over the development of a code of ethics for Judges of the Eastern Caribbean.

Off the Bench, Mr. Justice Saunders was President of the National Youth Council of St. Vincent and the Grenadines. He represented his country at table tennis on a number of occasions and for many years he was a member of the Executive of the St. Vincent & the Grenadines Table Tennis Association. He also served as Chairman of the St. Vincent Save the Children and as President of the St. Vincent Guild of Graduates. In December 2004, with the concurrence of the affected parties, Mr. Justice Saunders was appointed by a Caribbean Community (Caricom) Prime Ministerial Sub-Committee on Cricket to act as Judge-Advocate and deliver a binding ruling on a heated dispute between the West Indies Cricket Board and the West Indies Players' Association.

The Honourable Mr. Justice Saunders is married to Marilyn Angela née Joslyn and has two sons, both of whom are at university in Canada : Yuri, aged 22 and Yanek, aged 19.

## ECSC JUDICIARY 40 YEARS AHEAD

### Session Chair

Hon. Denys Barrow, SC

2:00 - 3:30

### ECSC Judiciary Now

#### Terms and Conditions of Service

*Presenter: Mr. Charles Maynard*

#### Changing Face of the Court – Gender & Family Issues

*Presenter: Hon. Indra Hariprashad-Charles*

#### Issues Affecting the Relationship between the Judiciary and the Executive

*Presenter: Hon. Brian Alleyne, SC*

3:30 - 3:45

### HEALTH BREAK

3:45 - 4:15

### Bar Bench Relations

#### Discussion with the OECS Bar President

*Leader: Hon. Brian Alleyne, SC*

### Discussant

*Ms. Nicole Sylvester, Secretary of the OECS Bar Association*

**Objective:** To examine the issues impacting relationship between the Bench and the Bar

4:15 – 5:00

### Open Discussion: General Issues relating to Judges

## DAY TWO – Thursday 3<sup>rd</sup> August 2006

Session Chair  
Hon. Sandra Mason, QC

### ADR AND THE COURT

9:00 - 9:40

**Overview of Commercial Arbitration**  
*Presenter: Mr. Christopher Malcolm*  
*Legal Advisor, OECS Secretariat*

**Objective:** To identify the elements of Commercial Arbitration

9:40 - 10:15

**Arbitration as it relates to the Judiciary**  
*Presenter: Mr. Christopher Malcolm*

**Objective:**  
To analyse the role of the Judge in the process

10:15 - 10:30

**HEALTH BREAK**

10:30 - 11:30

**Open Discussion**

**Objective:**  
To discuss the role of Commercial Arbitration in the Judicial Process

11:30 - 12:00

**Assessing the role of Mediation in our Courts – Is it really working?**

**Panel:**  
*Master Cheryl Mathurin*  
*Mr. Michael Bruney*  
*Mr. Francis Compton*

**Objective:**  
To assess whether mediation is a viable alternative in the judicial process

## DAY TWO – Thursday 3<sup>rd</sup> August 2006 Cont'd

Session Chair  
Hon. Kenneth Benjamin

12:00 - 12:30

**Open Discussion**

12:30 – 1:45

**LUNCH**

1:45 - 2:45

**Plans to Mark the 40<sup>th</sup> Anniversary in 2007**

2:45 – 3:00

**HEALTH BREAK**

3:00 - 4:00

**Snapshot of AJC 2006/Plans for AJC 2007**

*Hon. Hugh Rawlins*  
*Hon. Brian Alleyne, SC*

**Open Discussion/Evaluation**