

**REPORT OF BAR COUNCIL TO MEMBERS OF THE ST. KITTS AND NEVIS BAR  
ASSOCIATION**  
*June 2020*

This report summarizes the major actions and decisions of the Bar Council since its election on Thursday March 28, 2019.

**Covid-19**

From March 2020 life as we know it was altered drastically with the outbreak of the Covid-19 pandemic. We are acutely aware that our members were significantly affected by the effects of the outbreak and we are keen to assist members in whatever way possible. Following the initial shock and disbelief of a crisis that brought the world (and our respective “worlds”) to its knees, the Council regrouped and started looking at ways we can assist members through the challenges brought on by Covid-19.

The Council recognized that we needed to be equipped mentally and physically to deal with the onset of the pandemic. Also, surviving Covid-19 meant that we needed to recalibrate our thinking in terms of the way we do business and our approach to the practice of law. The Council’s response was to organize 2 webinars: one to address wellness and mental health of our members and the other to give our members the technological tools and strategies to not only survive but thrive in an environment where the use of technology has become critical.

The webinars held were as follows:

- i. *“The Balancing Act”* presented on June 17, 2020 by Dr. Jean-Machelle Benn-Dubois, a psychologist based in Antigua & Barbuda
  
- ii. *“The Law Firm in 2020: Incorporating technology to operate a successful business”* presented on June 18, 2020 by Ms. Sade Jemmott, an Attorney-at-Law and Business Strategist based in Barbados

Both webinars were very well attended with 48 attendees in the first session and 62 attendees in the 2<sup>nd</sup> session. The Council received very positive feedback from attendees and we were encouraged to organize similar webinars in the future. The Council was pleased that using a virtual platform, colleagues from outside St. Kitts and Nevis were able to join in and participate in the webinars.

The Council took the decision to invest in a subscription to a Zoom account which would enable the Bar Association to use the platform for webinars and other events in the future.

The Council wishes to put on record the phenomenal work of the Legislative Committee in organizing continuing legal education events for members of the Bar Association. The Legislative Committee is chaired by Ms. Kurlyn Merchant who is assisted by Mrs. Tashna Powell-Williams.

#### *Other Covid-19 Related Matters*

The President was invited to and participated in a meeting on April 27, 2020 to discuss the reopening of our courts after the Covid-19 outbreak. Present at the virtual meeting were the resident judges, the Honorable Attorney General, the Solicitor General, the Chief Magistrate, the Permanent Secretary in the Ministry of Legal Affairs and the Director of Public Prosecutions. It was noted that we can expect to deal with the Covid-19 pandemic at least for the next 12-18 months therefore it was important that plans be put in place to reopen the Courts while implementing adequate measures to protect members of the judiciary, court staff, legal practitioners and members of the public. The meeting decided on a course of action to facilitate the reopening of the Courts in the Federation.

The AGM which was initially scheduled to be held on March 26, 2020 was postponed to June 25, 2020 due to the Covid-19 outbreak.

## **Bench/Bar Committee**

This Committee was established in 2014 and comprises the three resident Judges, members and officers of the Bar Council and Queen's Counsel (who wish to and are available to attend meetings). Due to scheduling challenges one meeting was held at Four Seasons Resort, Nevis on Friday October 18, 2019. The three resident judges were present. Several issues were discussed in the interest of maintaining the lines of communication between the Bench and the Bar and improving the administration of justice in the Federation.

## **Revision of Scale of Fees**

During a Continuing Legal Education (CLE) session held in Nevis at the Anglican Church Hall in Charlestown on March 16, 2019, a draft of a revised Scale of Fees was presented for feedback from members. The draft sparked a spirited debate and it was evident that further discussion was required prior to finalizing the draft.

On June 13, 2019 a special general meeting of the Bar Association was held via video conference with members at a location in St. Kitts and in Nevis to discuss a further draft of the Scale of Fees. There were meaningful exchanges between members and amendments to the draft were agreed on by the members in attendance at the meeting.

In July 2019 the final version of the revised Scale of Fees was circulated to members to provide guidance to members in the conduct of business going forward. This revision of the Scale of Fees came some 12 years after the Scale of Fees was last revised (2007).

## **Website and Rebranding**

The Council is pleased to advise that after being on the agenda for an extended period, a new brand website for the Bar Association was launched on Saturday November 16, 2019 during Law Week 2019. We wish to express our heartfelt gratitude to Mr. Adrian Scantlebury for spearheading this

effort and all the members of the Website Committee for ensuring the successful launch of a modern, intuitive website of which we can all be proud.

The Council also undertook a rebranding exercise so that as of November 2019, the St. Kitts and Nevis Bar Association has a brand-new modern logo and an updated letterhead, enhancing the professional appearance of the Association.

### **Law Week 2019**

The Council hosted Law Week 2019 from Saturday November 16<sup>th</sup> to Saturday November 23<sup>rd</sup>, 2019 under the theme “*Innovation, Imagination and the Law*”. The Law Week Committee was chaired by Ms. Talibah Byron, who exhibited exceptional organization skills, dedication, and commitment. We recognize Ms. Byron’s hard work and sacrifice which resulted in the hosting of an undoubtedly successful Law Week which our members thoroughly enjoyed. Ms. Byron was ably assisted by Mrs. Sherry-Ann Liburd Charles, the Vice Chairperson of the Law Week Committee.

For the first time the Bar Association partnered with the Judicial Education Institute to host a Symposium during Law Week 2019. The Symposium was an invaluable opportunity for members of the Bar as we engaged in lively discussions with senior members of the Bar and members of the judiciary. The Honorable Chief Justice was in attendance and actively participated in discussions, as were the Justices of Appeal on the Eastern Caribbean Court of Appeal and the resident judges for St. Kitts and Nevis. We wish to take this opportunity to express our immense gratitude to Justice of Appeal Gertel Thom in her role as Chairperson of the Judicial Education Institute for enthusiastically accepting our request to partner with the St. Kitts and Nevis Bar Association to host and organize the Symposium.

We also wish to express gratitude to our resident judges, Honorable Justices Trevor Ward QC, Eddy Ventose and Ermin Moise for their support of the activities during Law Week 2019. Our resident judges participated heartily throughout the week by attending and participating in the

Symposium, the Church Service, Hyperlink (dinner, dance and website launch), Charity Walk, Run and Fun and judging the debating competition.

Law Week 2019 was a resounding success! Thank you to Ms. Talibah Byron, Mrs. Sherry-Ann Liburd Charles and members of the Law Week Committee in St. Kitts and on Nevis who worked tirelessly to organize a week of activities that were truly memorable!

A comprehensive report on Law Week 2019 is hereto annexed.

### **Disciplinary Committee**

The Disciplinary Committee was appointed by the Honorable Chief Justice on October 8, 2018 for a term of three (3) years. The members are as follows:

- Damian Kelsick - Chairman
- Simone Bullen-Thompson - Vice Chairperson
- Delano Bart QC - Member
- Delara Maclure Taylor - Member
- Tashna Powell-Williams - Member
- Rhonda Nisbett-Browne - Member
- Elizabeth Harper - Member
- Kurlyn Merchant - Member

We thank the Disciplinary Committee for their continued hard work in considering complaints received by members of the public over the past two years.

### **OECS Bar Association Meetings**

There were three quarterly meetings of the OECS Bar Association during the term of the Council:

- i. September 14, 2019 in Antigua & Barbuda

- ii. December 7, 2019 in the BVI
- iii. June 20, 2020 via Zoom

The St. Kitts and Nevis Bar Association was represented at all meetings by its President Dahlia Joseph Rowe. At the meetings the issues faced by constituent bars were discussed and members of the constituent bars were given the opportunity to share their experiences thereby assisting other colleagues.

The Biennial General Meeting (BGM) of the OECS Bar Association is due to be held on September 12, 2020 and it is likely to be held via Zoom. The term of the current Executive comes to an end this year and elections will be held at the BGM. The President has encouraged constituent Bars to consider persons they would wish to nominate to be elected to the Executive of the OECS Bar Association.

The current Executive of the OECS Bar Association is as follows:

President	- Thaddeus M. Antoine
1 <sup>st</sup> Vice President	- Yvette Wallace
2 <sup>nd</sup> Vice President	- Delano Bart QC
Treasurer	- Jean M. Dyer
Secretary	- Dahlia Joseph Rowe

### **Farewell for Honorable Madam Justice Lorraine Williams**

The Bar Association in conjunction with the Court office organized a Special Sitting on the morning of Thursday October 11, 2019 in honor of Honorable Madam Justice Lorraine Williams to bid Her Ladyship farewell on her reassignment to Saint Lucia. The Special Sitting was held before Justice Trevor Ward QC and there were moving addresses from several members of the Inner and Utter Bar. Justice Williams expressed her deep appreciation for the time spent on the Bench in Nevis and the support received from members of the Bar, the Court staff and the Nevis Island Administration.

On the evening of October 11, 2019, the Bar Association hosted a cocktail party in honor of Justice Williams at Indian Summer restaurant. Members of the Bar based in St. Kitts and on Nevis, members of the Nevis High Court staff and friends of Madam Justice Lorraine Williams came together to celebrate, express appreciation for and recognize the selfless contribution of Justice Williams during her tenure as resident judge for Nevis. It was a fun, enjoyable event which was deeply appreciated by Justice Williams and will be remembered fondly by the persons who attended.

### **Clarence Fitzroy Bryant College (CFBC) Scholarship**

As has been the case for the past several years as a means of the Association giving back to the community, in 2019 the St. Kitts and Nevis Bar Association sponsored an award at the Clarence Fitzroy Bryant College for outstanding performance in secondary teacher education. The value of the Award is EC\$2500.

In light of the current Covid-19 pandemic, the new Council may wish to review the grant of the Award.

### **Draft Designated Non-Financial Businesses and Professionals (DNFBP) Regulations**

On June 14, 2019 the Financial Services Regulatory Commission provided draft DBFBP Regulations for feedback from the Bar Association. The Council met and decided that the draft was important enough that a special general meeting should be held to discuss the draft with the general membership and decide on the way forward.

On January 30, 2020 an extraordinary general meeting of the Bar Association was held to discuss the draft DNFBP Regulations. 48 members of the Bar were in attendance at the meeting. Serious concerns were expressed concerning the draft and the general consensus at the meeting was that the draft regulations were unconstitutional and unjustifiably restrained our ability to practice law,

providing supervisory and regulatory powers to the FSRC over members of the legal profession. The meeting decided on the way forward and adopted certain resolutions.

The President subsequently met with the Attorney General and expressed the Association's concerns. The Attorney General undertook to look into the matter and discuss it with his team and revert.

The members of the Bar Association were invited to a meeting held on March 13, 2020 with the Attorney General, the Regulator and others to discuss the concerns of members of the Bar related to the draft DNFBP Regulations.

Since the meeting, a small sub-committee has met and collaborated to produce a draft intended to be presented to the government for consideration.

It is anticipated that the new Council elected will finalize the draft produced and present it to the government for consideration so that the outstanding matter may be adequately addressed to the satisfaction of all stakeholders.

Dated the 25<sup>th</sup> day of June 2020.



Dahlia Joseph Rowe  
President