

COUNCIL QUARTERLY

VOL. 1, 2019
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Quarterly Updates from the Bar Council to the Membership of the St. Kitts and Nevis Bar Association

Meeting with Attorney General

On 18th July 2019, a delegation of the Bar Council led by President Dahlia Joseph Rowe, met with Hon Vincent Byron, Attorney General and officers from the Ministry of Justice and Legal Affairs. Matters addressed include:

1) Two capital projects – The Ministry is currently undertaking 2 capital projects. The first is the construction of the new Court Annex in St. Kitts which will comprise a 3rd Magistrate's Court to deal primarily with family matters, a dedicated Mediation Centre with 3 mediation rooms, and a Law Library. The second is the acquisition of a building to house the Land Registry, Intellectual Property Office, Law Commission, and Legal Aid Centre.

2) Law Revision – A Revised Edition of the Laws up to 2015 is being finalized for publication. Law Reform Commissioner Ms. Josephine Mallalieu leads this process. In the meantime, the Bar Council requested soft copies of all the Laws since the publication of the 2009 Revised Edition. These copies have since been provided and will be circulated to the Bar shortly.

3) Adoption – The AG is to complete the appointment of the Committee established under the Adoption Act.

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Membership Survey

In June 2019, the Bar Council designed and disseminated a Survey to members of the Bar Association in order to seek the feedback of attorneys-at-law on how the Association can serve them best. The Survey was completely anonymous so as to ensure that respondents were as candid and open as possible in providing their feedback. The Survey was issued on 5th June and closed on 21st June.

There were 38 respondents to the survey. 59% of the respondents were attorneys with up to ten years of call. The other 41% had over ten years of call.

Over 80% of respondents indicated that the Association should host more continuing legal education sessions. Over 50% of respondents wanted to see more pro bono clinics as well as mentoring of youth, among other activities.

In addition, there was a wide variety of issues raised by respondents. At least 15 discrete issues were identified, and the Bar Council is working to address these issues as far as possible.

The Bar Council thanks all members for their frank feedback, positive views and constructive criticism, all of which the Council will take on board going forward.

Domestic Violence Protocol

On 13th June 2019, the St. Kitts Department of Gender Affairs conducted an Implementation Workshop of its Domestic & Sexual Violence Complaints and Response Protocol.

A number of stakeholders were invited, and Miss Talibah Byron represented the Bar Association.

The Protocol is a reference and resource document to improve domestic and sexual violence complaint service programs and to enhance support for victims by promoting best practices.

Arising out of the Workshop were the following recommendations for the Bar Association:

1) Attorneys should provide information on domestic violence cases, with their clients' consent, to the Departments of Gender Affairs, to enable accurate data collection of these cases and follow up for treatment of victims.

2) Attorneys should ensure that the Police Force is given copies of any protection orders made, to assist with enforcement.

3) Attorneys must recommend to domestic violence complainants that they seek medical and psychological assistance.

4) Attorneys willing to act for victims pro bono should contact the Department of Gender Affairs. There is a need for pro bono representation.

Meeting with Attorney General

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4) Transcripts Backlog – The AG's Chambers is currently outsourcing the transcription of pending criminal appeals at its own expense. The AG is also in discussion with the Chief Justice to implement digital transcription.

5) Criminal Division – The Chief Justice has engaged the Attorney General regarding the establishment of a criminal division of the Court and the introduction of Masters for that division to expedite the disposal of matters.

6) Delay in service of summons – New bailiffs were recently appointed to address the issue of delay in service of summons at the Magistrates' Courts.

7) Land Registry – A New Land Registry Management System should be launched in October. All hard copy documents are being converted to digital. Mrs. Dawn Myers, new Registrar of Titles, has, since her appointment in November 2017, executed over 3,500 titles and other documents in St. Kitts and over 1,500 in Nevis, significantly reducing the backlog. The Ministry is finalizing preparations to conduct a cadastral survey to replace the Torrens system.

8) Attorneys-at-law being admitted without the Legal

Education Certificate – Several persons who were admitted in other jurisdictions without the Legal Education Certificate have written to the AG seeking a special order under the Legal Profession Act permitting them to be admitted to practise in the Federation. The AG has asked the Bar for its position on this issue.

9) Striking off of attorneys from the Roll – The AG is to deal with this issue as soon as possible.

10) Other matters were also discussed relating to improving the efficiency of court operations and access to justice.

SAVE THE DATE!!!

LAW WEEK 2019

16th to 23rd NOVEMBER!

Training Session held on new Sentencing Guidelines

On 29th July 2019, a training session was conducted by His Lordship Justice Trevor M. Ward QC, on the new Sentencing Guidelines. These Guidelines will be launched by the Eastern Caribbean Supreme Court in September 2019 and govern sentencing in both the High Court and Magistrates Court. The highly informative and interactive session was attended by Magistrates, senior police officers, and attorneys-at-law.

New Scale of Fees Published

The Bar Council has published a new Scale of Fees following a consultative process in which a wide cross-section of the Bar Association provided insightful views and suggestions. The Scale sets out the recommended minimum fees to be charged in a broad variety of matters. The last Scale of Fees was published some 12 years ago in 2007.

Landmark Court of Appeal decision handed down in Barbados

On 9th July 2019, the Court of Appeal of Barbados delivered its decision in the case of *Norman MacDonald Nurse, Attorney General of Barbados and Barbados Bar Association v Florence Nurse* [Civ. App. #20 of 2018]. The decision, which was unanimous, found that compulsory membership in the Barbados Bar Association as provided for under the Barbados Legal Profession Act does not infringe the fundamental right to freedom of association enshrined in the Barbados Constitution.

Register now for the OECS Bar Association's 16th Regional Law Conference!

Dates: 13 -15 September 2019

Venue: St. James Club, Antigua

For more information, visit: www.oecsbar.org.