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**Report of  
The Judicial Appointments  
Committee**

**April 2019 - January 2020**

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**BARBADOS**



## LETTER OF TRANSMITTAL

31 January 2020

**To:** Hon. Mia Amor Mottley Q.C., M.P.  
Prime Minister  
Prime Minister's Office  
Government Headquarters  
Bay Street  
St. Michael

Dear Prime Minister

### **Re: Report of the Judicial Appointments Committee**

In accordance with Section 93A(4) of *the Supreme Court of Judicature (Amendment) Act, 2019*, I submit the Report of the Judicial Appointments Committee for the period April 2019 to January 2020 for your attention and for tabling in Parliament.

Yours faithfully

*(Sgd)*

**SIR DAVID A.C. SIMMONS K.A., B.C.H., Q.C.**  
Chairman of the Judicial Appointments Committee

## **CONTENTS**

	<b>Page</b>
Introduction	1
Creation of the Judicial Appointments Committee	2
Composition of the Judicial Appointments Committee	2
Mandate of the Committee	2
Meetings Held	3
Executing the Mandate	3
Recommendations for Appointment	4
Problems Identified	5
Recommendations	5
Acknowledgements	6
Appendices	

## **REPORT OF THE JUDICIAL APPOINTMENTS COMMITTEE**

### **INTRODUCTION**

1. When Barbados became an independent nation within the Commonwealth on 30 November 1966, provision was made in the Constitution for the puisne judges to be appointed by the Judicial and Legal Service Commission (JLSC) following its predecessor that was established in 1956.

2. However, on 27 August 1974, the Constitution was amended and the original method of appointment was changed to remove the JLSC from the judicial appointments process and to give the Prime Minister a direct recommendatory role in the appointment of judges. Thus, after 1974, Section 81 of the Constitution has provided that –

*“The Chief Justice and other judges of the Supreme Court shall be appointed by the Governor-General, by instrument under the Public Seal, on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.”*

3. Section 81 has proven to be controversial. Some commentators are of opinion that the involvement of the Prime Minister in the appointments process opened a door for the entry of political patronage into the judiciary and had the potential to compromise the independence of the judiciary and blur the separation of powers.

4. Since 1974, throughout the Commonwealth, the doctrines of judicial independence and the separation of powers gained even greater prominence than in previous years. On 19 June 1998, a high-level Colloquium of parliamentarians, judges, academic and practising lawyers met at Latimer House in England and produced the now famous “Latimer House Guidelines for the Commonwealth”. Among the guidelines were these: “Judicial vacancies should be advertised. Recommendations for appointment should come from a judicial services commission.”

5. In the years following publication of the Latimer House Guidelines, more and more countries in the Commonwealth have been advertising judicial vacancies and permitting recommendations for judicial appointment to come from special committees or a commission. These methodologies and mechanisms are now seen as best practices for the appointment of judicial officers.

6. In the Commonwealth Caribbean, the Regional Judicial and Legal Services Commission of the Caribbean Court of Justice (CCJ), the Judicial and Legal Services Commission in the Organisation of Eastern Caribbean States, Trinidad and Tobago, The Cayman Islands, and The Turks and Caicos Islands all advertise judicial vacancies.

## CREATION OF THE JUDICIAL APPOINTMENTS COMMITTEE

7. In February 2019, the Government of Barbados radically changed the method of appointing judges by joining the movement towards greater transparency in the process of judicial appointments. Parliament passed the *Supreme Court of Judicature (Amendment) Act, 2019*. Section 93A(1) of the amending Act created a Judicial Appointments Committee “which shall be responsible for making recommendations to the Prime Minister, in respect of the persons to be appointed to any vacancy in the Supreme Court of Judicature, for the purposes of Section 81 of the Constitution.”

8. By Section 93A(4) the Committee is required to prepare a Report on all matters relating to the business of the Committee as well as any problems encountered, and submit the Report to the Prime Minister for immediate laying in Parliament. Accordingly, Section 93A(4) is the genesis of this Report.

9. This Report covers the period April 2019 to January 2020 and must be seen as an essential element in the process of accountability and transparency, two key components of good governance in a democratic society.

## COMPOSITION OF THE JUDICIAL APPOINTMENTS COMMITTEE

10. The Chairman and members of the Committee were appointed in April 2019 by the Prime Minister, Hon. Mia Amor Mottley Q.C., M.P., in exercise of the powers vested in her under para.3 of the Second Schedule of the amending Act.

11. The composition of the Committee is as follows:

Sir David Simmons K.A., B.C.H., Q.C., former Chief Justice, Chairman  
Sir Marston Gibson K.A., Chief Justice, *ex officio*  
Rt. Hon. Sir Dennis Byron M.A., former President of the CCJ  
Justice Christopher Blackman G.C.M., retired Justice of Appeal  
Mr. Barry Gale Q.C., LL.B. (representing the Bar Association)  
Mrs. Patricia Brunton, retired banker (representing civil society)

## MANDATE OF THE COMMITTEE

12. By letter of 25 April 2019 the Prime Minister directed the Committee –

- to fill three (3) vacancies which existed in the Court of Appeal;
- to interview a sufficient number of applicants to ensure that the High Court is fully constituted with a maximum of thirteen (13) judges; and
- to endeavour to fill the vacancies on or before 15 July 2019.

## MEETINGS HELD

13. The Committee held meetings (excluding the dates on which applicants were interviewed) as follows:

- 9 April 2019
- 26 April 2019
- 30 May 2019
- 28 June 2019

## EXECUTING THE MANDATE

14. By para.7(1) of the Second Schedule to the amending Act, the Committee was required to advertise the vacancies in the Official Gazette, at least one newspaper in circulation in Barbados on two occasions, by giving written notice to the Bar Association, and "by such other electronic means as the Committee determines, which will ensure wide circulation to suitable applicants across the Commonwealth."

15. As the Committee conceived it, its work involved six (6) critical processes, namely,

- (i) preparation of various forms for use by applicants and their Referees;
- (ii) creation of a website on which the forms and other relevant information could be posted;
- (iii) formulating the content of advertisements and advertising the vacancies locally, regionally and internationally;
- (iv) creating shortlists of applicants for interview;
- (v) formulating interview questions and developing scoring criteria;
- (vi) conducting interviews of the shortlisted applicants.

16. The Committee developed the relevant Application Forms and Guides to Applicants and Referees using as precedents similar forms of the Regional Judicial and Legal Services Commission and the Judicial and Legal Service Commission of the Eastern Caribbean Supreme Court. The Committee expresses its sincerest gratitude to those Commissions for the ready and invaluable assistance they gave to the Committee.

17. BitEdge Technologies Inc., trading as "Websites.bb", owners of the intellectual property rights to the website of the Supreme Court, were contracted to post the several Forms and Guides on a special website. The Committee also wishes to thank this company for its excellent work in ensuring that the relevant documents were properly posted and accessible on the Supreme Court's website. The company's willingness to work at short

18. Advertisement of the vacancies was carried twice in the Nation newspaper, published in the Official Gazette, and on the radio by the Government Information Service. In addition, the advertisements were sent to and published by the Caribbean Association of Judicial Officers (CAJO), the Commonwealth Magistrates and Judges Association (CMJA), and the Bar Associations/Law Associations in the Commonwealth Caribbean States.

#### *Closing Dates for Applications*

19. The closing date for application for the Court of Appeal was 7 June 2019. Applications for the High Court closed on 12 June 2019.

#### *Applications Received*

20. The Committee received a total of 46 applications from persons in several Commonwealth countries viz. Barbados, Trinidad and Tobago, Belize, St. Vincent and the Grenadines, St. Lucia, Botswana, Uganda, Nigeria, Sri Lanka, and Canada. There were 16 applicants for the Court of Appeal and 28 applicants for the High Court.

#### *Shortlisting of Candidates*

21. On 28 June 2019, the Committee shortlisted eight (8) persons for interview for a seat on the Court of Appeal and twelve (12) persons for the positions on the High Court. The Committee also settled the questions to be put to each applicant at interview.

#### *Interviews*

22. Because of prior commitments of some members on certain dates in July 2019, and the sudden death in New York of a brother of the Chief Justice, it was not possible to conduct interviews during the month of July 2019. However, interviews were conducted in person or electronically on 6, 7, 8, and 9 August 2019.

### RECOMMENDATIONS FOR APPOINTMENT

23. Following interviews and consideration of Referee Assessment Forms, the Committee, by letter to Prime Minister Mottley of 12 August 2019, recommended the following persons at **(A)** and **(B)** for appointment to the Court of Appeal and the High Court respectively, for the purposes of Section 81 of the Constitution and s.93A(1) of the *Supreme Court of Judicature (Amendment) Act 2019*. Accordingly, with effect from January 2020, there will be 13 High Judges and 4 Court of Appeal Judges. The Chief Justice will, of course, be entitled to sit in either Court.

#### **(A) THE COURT OF APPEAL**

Justice Rajendra Narine

Justice Francis Belle w.e.f. 1 January 2020

Mr Jefferson Cumberbatch



**(B) THE HIGH COURT**

Madam Justice Shona Griffith w.e.f. 15 January 2020

Mr. Cecil McCarthy Q.C.

Mr. Barry Carrington

Ms. Cicely Chase Q.C.

Mr. Christopher Birch

The Committee also recommended that, if vacancies occur in the High Court within the next two years, Mrs. Laurie-Ann Smith-Bovell and Mrs. Wanda Blair should be appointed without the need for further interview.

The Committee is pleased to report that all of the persons recommended for appointment have in fact been duly appointed as Judges of the Supreme Court.

**PROBLEMS IDENTIFIED**

24. Under section 93A(4)(a) of the Act of 2019, the Committee may comment on "any problems" connected to its business during its tenure. The Committee wishes to draw attention to para.6 of the Second Schedule to the Act of 2019 dealing with the position of Secretary to the Committee. It is presently provided as follows:

*"6. The Judicial Appointments Committee shall elect a secretary for that Committee from among its members."*

25. From very early in its existence, the Committee found that the existing provision was functionally unworkable. It was very inconvenient for a serving member of the Committee to perform the dual roles of member of the Committee and Secretary simultaneously especially in the absence of appropriate facilities. As it was too late and cumbersome to attempt an amendment to the Act, Mr. Justice Blackman volunteered to be the Secretary, and Ms. June Christian was assigned from her acting post at the Cabinet Office to be "Recording Secretary" together with her day-to-day duties.

26. As it turned out, the Chairman and Mr. Justice Blackman were obliged to give their private telephone numbers as contact information on the various forms.

**RECOMMENDATIONS**

27. The Committee recommends that -

- (i) para.6 of the Second Schedule to the Act be deleted and replaced by words which empower the Prime Minister to appoint a public officer to be Secretary to the Committee.

- (ii) Barbados should develop a structured approach to judicial education and training. Whereas the Committee acknowledges that attempts were made in the past to expose judges to continuing education and training, the Committee is of the view that, as a matter of future policy, funds should be provided to the Judicial Council to enable it to send two judges per year for training at the Commonwealth Judicial Education Institute in Halifax, Canada.
  
- (iii) the emoluments of Judges be kept under constant review to ensure that such emoluments are reasonable and competitive with those of other Courts in the Commonwealth Caribbean.

## ACKNOWLEDGMENTS

28. The Committee wishes to place on record its profound gratitude to the Attorney-General of Barbados, Hon. Dale Marshall Q.C., M.P., for making the Conference Room in his Ministry available for use by the Committee for meetings during the period April to June 2019.

29. The Committee also thanks Ms. June Christian who served the Committee selflessly in combination with her position in the Cabinet Office. She was the epitome of efficiency, competence and effectiveness in performance of the *de facto* role of Secretary to the Committee.

30. The Cabinet Secretary, Mrs. Cecile Humphrey, and her staff greatly assisted the Committee in ensuring that its task was accomplished in the shortest possible time without any serious or disruptive occurrences.

## APPENDICES

31. Having regard to the historic significance of the Judicial Appointments Committee and its work, the Committee considers it appropriate to publish as Appendices to this Report all of the documentation that was originally posted on the Internet for use by applicants and their Referees, as well as brief biographical data of each of the persons recommended for appointment.

- Appendix 'A' - Advertisement for Justice of Appeal
- Appendix 'B' - Advertisement for Judge of the High Court
- Appendix 'C' - Application Form for Justice of Appeal
- Appendix 'D' - Application Form for Judge of the High Court
- Appendix 'E' - Guide for Applicants (Court of Appeal)
- Appendix 'F' - Guide for Applicants (Judge of the High Court)
- Appendix 'G' - Guide for Referees
- Appendix 'H' - Referee Assessment Form (Instructions to Applicants)
- Appendix 'I' - Brief Biographical Data of Appointees

Dated the 31<sup>st</sup> day of January 2020.

(SGD)

.....  
Sir David Simmons K.A., B.C.H., Q.C.  
Chairman

(SGD)

.....  
Rt. Hon. Sir Dennis Byron M.A.

(SGD)

.....  
Sir Marston Gibson K.A.

(SGD)

.....  
Mr. Justice Christopher Blackman G.C.M.

(SGD)

.....  
Mr. Barry Gale Q.C.

(SGD)

.....  
Mrs. Patricia Brunton





## **SUPREME COURT OF BARBADOS**

### **VACANCIES IN COURT OF APPEAL**

The Judicial Appointments Committee has been appointed to make recommendations to the Prime Minister in respect of persons to be appointed to the Supreme Court of Barbados for the purposes of Section 81 of the Constitution. The Judicial Appointments Committee has been advised that there are three vacancies in the Court of Appeal which must be filled.

The Judicial Appointments Committee invites applications for the Office of Justice of Appeal of the Court of Appeal of Barbados from suitably qualified persons.

A person is qualified for appointment as a Justice of Appeal of the Court of Appeal who *(a)* is a Judge of the High Court of Barbados; or *(b)* is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or of a court having jurisdiction in appeals from such a Court; or *(c)* is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a common law jurisdiction or of a Court hearing appeals from such a Court; or *(d)* is qualified to practise as an attorney-at-law in Barbados or some part of the Commonwealth or in a common law jurisdiction for not less than 15 years. In addition, a Professor or teacher of law who has been qualified to practise as an attorney-at-law in Barbados for 15 years is eligible for appointment.

Applicants are advised to visit the website of the Judicial Appointments Committee to view and download the Application Form and other relevant documentation. Please use the following link below:

<https://www.barbadoslawcourts.gov.bb/judicial-vacancies/vacancies-in-the-court-of-appeal/>

The closing date for submission of Applications is 7 June 2019.





## **SUPREME COURT OF BARBADOS**

### **VACANCIES IN HIGH COURT**

The Government of Barbados has recently made provision for an increase in the maximum number of Judges of the Supreme Court and, as a result, there are judicial vacancies in the High Court.

The Judicial Appointments Committee has been appointed to make recommendations to the Prime Minister in respect of persons to be appointed to the Supreme Court of Barbados for the purposes of Section 81 of the Constitution. The Judicial Appointments Committee now invites applications for the Office of Judge of the High Court from suitably qualified persons.

A person is qualified for appointment as a Judge of the High Court if he or she — (a) is qualified to practise as an attorney-at-law in Barbados and has practised as such in Barbados, a Commonwealth country or in a common law jurisdiction for not less than 10 years; or (b) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a Commonwealth country or of a court having jurisdiction in appeals from such a court; or (c) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a common law jurisdiction or of a court having jurisdiction in appeals from such a court.

The Judicial Appointments Committee particularly invites applications from persons with extensive experience in criminal law and commercial law.

Applicants are advised to visit the website of the Judicial Appointments Committee to view and download the Application Forms and other necessary documentation. Please use the following link below:

<https://www.barbadoslawcourts.gov.bb/iudicial-vacancies/vacancies-in-high-court/>





# **SUPREME COURT OF BARBADOS**

## **Application for Appointment as Justice of Appeal in the Court of Appeal**

Closing Date for Applications:

**7 June 2019**

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This form should be typewritten or handwritten clearly in **black ink**. If there is insufficient space on the form, please continue on a separate sheet. **You should complete all parts of this form, even if you have previously supplied some of the details requested.** This will help to ensure that our records are complete.

Please read the guidance notes before completing this Form.

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**Section A – Personal Details**

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Title [*indicate with an x*] Mr. \_\_\_ Mrs. \_\_\_ Ms. \_\_\_ Other [*Please state*] \_\_\_\_\_

Last Name: \_\_\_\_\_

All Names: \_\_\_\_\_  
[*please underline the name by which you prefer to be known*]

Date of Birth: \_\_\_\_\_

Decorations/Honours: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

*Please indicate the address to be used for correspondence relating to this application:*

Business \_\_\_\_\_ Home \_\_\_\_\_

Please indicate by appropriate deletion whether you are a serving or former judicial officer and mark with an x your appropriate status:

Former/Serving Chief Justice \_\_\_\_\_

Former/Serving Justice of Appeal \_\_\_\_\_

Former/Serving Judge \_\_\_\_\_

Teacher of Law \_\_\_\_\_

Queen's Counsel \_\_\_\_\_

Barrister \_\_\_\_\_

Attorney-at-Law \_\_\_\_\_

Solicitor \_\_\_\_\_

Other [*please state*] \_\_\_\_\_

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Nationality/Nationalities: \_\_\_\_\_

\_\_\_\_\_

**Section B – Education and Professional History**

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**[1] Further and/or Higher Education**

<b>Colleges and/or Universities Attended and Addresses</b>	<b>Dates Attended</b>	<b>Degrees/Diplomas/Certificates Awarded (please state class, if any)</b>

**[2] Professional/Legal Training**

<b>Institution[s] Attended and Address[es]</b>	<b>Dates Attended</b>	<b>Degrees/Diplomas/Certificates Awarded (please state class, if any)</b>

**[3] Admission to the Bar**

Date[s] and Place[s] of call \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Year Silk Taken [if applicable] \_\_\_\_\_



## Section C – Judicial Experience

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1. Do you now hold, or have you held in the past, any judicial appointment?

No  Yes

[Please state the position[s], date[s] of appointment and period[s] of service in the space below]

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2. If you currently hold a judicial position, please state the court[s] where you now preside and the duration of your appointment.

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3. Please state any location[s] where you have sat in the last 3 years and the court[s] over which you have presided during that time.

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4. If you hold or have held any judicial appointment, please describe the work you have done as a holder of judicial office, and the jurisdictions exercised.

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**Section D – General**

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**A. Character**

1. Have you ever been convicted of, or cautioned in relation to any criminal offence? No  Yes   
[Please give details, dates, below]

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2. Have you ever been adjudged bankrupt, made a composition with your creditors, or been sued to judgment for any debt, or are any such proceedings pending? No  Yes   
[Please give details, or including, dates below]

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3. Have you ever had proceedings brought against you, or paid a penalty or made a composition in respect of failing to pay any debt or any other default relative to any other form of tax or rates, or are there any such proceedings pending? No  Yes   
[Please give details, including dates, below]

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4. Have you ever had an action brought against you for professional negligence without the matter being dismissed, or are any such proceedings pending? If any such action has been brought or is pending against your firm in respect of a matter under your supervision, please answer 'yes'.

No  Yes

[Please give details, including dates below]

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5. Are you, or have you ever been subject to disciplinary proceedings of the Bar or as a holder of a judicial office in respect of complaints regarding a matter involving you personally or under your supervision, without the matter having been dismissed, or are any such proceedings pending?

No  Yes

[Please give details, including dates, below]

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**B. Referees**

You may include here the names and addresses of up to three members of the judiciary and/or the legal profession who you consider will be able to comment on your qualities and experience. [The arrangements for consultation are outlined in the Guide for Applicants.]

<b>Name</b>	<b>Status</b>	<b>Address</b>

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I \_\_\_\_\_ **DECLARE** that the information which I have given on this form is true to the best of my knowledge and belief. I understand that any misrepresentation may result in my disqualification even after appointment.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# SUPREME COURT OF BARBADOS

## Application for Appointment as Judge of the High Court

Closing Date for Applications:

**12 June 2019**

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This form should be typewritten or handwritten clearly in **black ink**. If there is insufficient space on the form, please continue on a separate sheet. **You should complete all parts of this form, even if you have previously supplied some of the details requested.** This will help to ensure that our records are complete.

Please read the guidance notes before completing this  
Form.

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**Section A – Personal Details**

Title *[indicate with an x]* Mr. \_\_\_\_\_ Mrs. \_\_\_\_\_ Ms. \_\_\_\_\_ Other \_\_\_\_\_ *[please state]*

Last Name: \_\_\_\_\_

All names: \_\_\_\_\_

*[please underline the name  
by which you prefer to be known]*

Date of Birth: \_\_\_\_\_

***[a copy of the Personal Details  
Page of Passport along with a  
certified copy of your Birth  
Certificate must be submitted  
with the Application Form]***

Decorations/Honours: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: (h) \_\_\_\_\_ (m) \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please indicate the address to  
be used for correspondence

relating to this application: Business \_\_\_\_\_ Home \_\_\_\_\_

Please indicate with an x your appropriate status:

- Justice of Appeal \_\_\_\_\_
- Judge \_\_\_\_\_
- Master \_\_\_\_\_
- Magistrate \_\_\_\_\_
- Queens Counsel \_\_\_\_\_
- Barrister \_\_\_\_\_
- Attorney at Law \_\_\_\_\_
- Solicitor \_\_\_\_\_
- Other [please state] \_\_\_\_\_

Nationality/Nationalities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Religion: \_\_\_\_\_

**Section B – Educational and Professional History**

*[Certified copies of certificates or official transcripts of all stated education qualifications must be submitted along with the Application Form]*

**[1] Further and/or Higher Education**

Colleges and/or Universities Attended and Addresses	Dates Attended	Degrees/Diplomas/Certificates awarded <i>(Please state class, if any)</i>

**[2] Professional/Legal Training**

Institution[s] Attended and Address[es]	Dates Attended	Degrees/Diplomas/Certificates awarded <i>(Please state class, if any)</i>

**[3] Admission to the Bar**

Date[s] and Place[s] of call: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Year Silk Taken [if applicable] \_\_\_\_\_

**[4] Other Training [if applicable], give details**


**[5] Professional Experience**

Please give details of your professional experience since being called to the Bar, **starting with the most recent.**

Please include dates, addresses [including where appropriate, the name of the Head of Chambers]. Please include under 'Particulars' whether the type of work done included litigation and/or litigation management.

Dates		Chambers, Firm or other organization and address	Particulars
From	To		

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**Section C – Judicial Experience**

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1. Do you now hold, or have you held in the past, any judicial appointment [including temporary or part-time appointment]      No  Yes  [Please state the position(s) date[s] of appointment and period[s] of service in the space below]
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2. If you currently hold a judicial position, please state the court[s] where you now preside and the duration of your appointment.
- 
- 

3. Please state any location[s] where you have sat in the last 3 years and the court[s] over which you have presided during that time.
- 
- 

4. If you hold or have held any judicial appointment, please describe the work you have done as a holder of judicial office, and the jurisdictions exercised.
- 
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**Section D – General**

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**A. Character**

1. Have you ever been convicted of, or cautioned in relation to any criminal offence? No  Yes  [Please give details, including dates, below]

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2. Have you ever been adjudged bankrupt, or made a composition with your creditors, or been sued to judgment for any debt, or are any such proceedings pending? No  Yes  [Please give details, including, dates below]

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3. Have you ever had proceedings brought against you, or paid a penalty or made a composition in respect of failing to pay or any other default relative to any other form of tax or rates, or are there any such proceedings pending? No  Yes  [Please give details, including, dates below]

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4. Have you ever had an action brought against you for professional negligence without the matter being dismissed, or are any such proceedings pending? If any such action has been brought or is pending against your firm in respect of a matter under your supervision, please answer 'yes'.

No  Yes  [Please give details, including, dates below]

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5. Are you, or have you ever been subject to the disciplinary proceedings of the Bar or as a holder of a judicial office in respect of complaints regarding a matter involving you personally or under your supervision, without the matter having been dismissed, or are any such proceedings pending?

No  Yes  [Please give details, including dates, below]

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**(For persons who have not held judicial office)**

6. List in chronological order commencing with the most recent, the 3 cases that you consider to be the most important in your career. Give the name of each case, name of opposing Counsel, brief details of the nature of the matter and of final disposition. Please provide copies of written submissions in two cases which have been decided.

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7. If you currently hold or have held judicial office, list the 3 most important cases over which you have presided. Indicate the name of each case, giving brief details of the nature of the matter, the names of Counsel who appeared and the final disposition of the case. Specifically indicate if the matter was appealed and the result in the appellate process. Provide information by which any written judgments could be accessed.

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8. Are you aware of anything in your private or professional life, which would be a source of embarrassment to yourself or the Judiciary of Barbados, if it became known in the event of your appointment as a High Court Judge? No  Yes  [Please give details below]

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**E. Consultation/Referees**

Please include here the names, email addresses and contact numbers of up to three persons, at least one of whom is or has been a member of the judiciary and/or the legal profession who you consider will be able to comment on your qualities and experience. *[Please pay particular attention to the arrangements for consultation which are outlined in the Guide for Applicants.]*

NAME	STATUS	MAILING ADDRESS	EMAIL ADDRESS	TELEPHONE NUMBER

**F. Further Information**

Please provide any other information which you consider may be relevant to your application. It is important that you candidly assess your own suitability for appointment to the High Court Bench, against the criteria [legal knowledge and experience, skills and abilities, and personal qualities: these are described in more detail in the Guide]. You should provide examples of significant achievements to support your assessment. Continue on a separate sheet, if necessary.

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**G. Area of Law**

Please indicate the area or areas of law in which you have the most expertise and experience

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I \_\_\_\_\_ **DECLARE** that the information which I have given on this form is true to the best of my knowledge and belief. I understand that any misrepresentation may result in my disqualification even after appointment.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**SUPREME COURT OF BARBADOS**

**APPOINTMENT TO THE OFFICE OF  
JUSTICE OF APPEAL OF THE  
COURT OF APPEAL**

**GUIDE FOR APPLICANTS**





## CONTENTS

### PART 1

- |    |              |   |
|----|--------------|---|
| 1. | Introduction | 2 |
|----|--------------|---|

### PART 2

- |    |                           |   |
|----|---------------------------|---|
| 2. | Eligibility requirements  | 2 |
| 3. | Criteria for appointment  | 3 |
| 4. | The appointment procedure | 5 |

### PART 3

- |    |                       |   |
|----|-----------------------|---|
| 5. | Making an Application | 7 |
|----|-----------------------|---|

### PART 4

- |    |  |   |
|----|--|---|
| 6. | Summary of the terms and conditions of Justice of Appeal | 9 |
|----|--|---|

## PART 1

### INTRODUCTION

- 1.1 The purpose of this Guide is to assist applicants for the office of Justice of Appeal. It is arranged in four parts.

#### Part 1

This gives a brief outline of the contents of the Guide.

#### Part 2

This outlines the **eligibility requirements** and the **criteria** applicants must satisfy before the Judicial Appointments Committee will consider them for appointment. It also explains the **appointment procedure** and outlines how the Committee will obtain the comments of referees.

#### Part 3

This gives important advice on **making an application**.

#### Part 4

This contains a **summary of the terms and conditions** of Justices of Appeal.

- 1.2 **Applicants are advised to ensure that they read and fully understand the contents of this Guide before they complete and submit their application form.**

## PART 2

### ELIGIBILITY REQUIREMENTS

- 2.1 A person is qualified for appointment as a Justice of Appeal of the Court of Appeal who (a) is a Judge of the High Court of Barbados; or (b) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or of a court having jurisdiction in appeals from such a Court; or (c) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a common law jurisdiction or of a Court hearing appeals from such a Court; or (d) is qualified to practise as an attorney-at-law in Barbados or some part of the Commonwealth or in a common law jurisdiction for not less than 15 years. In addition, a Professor or teacher of law who has been qualified to practise as an attorney-at-law in Barbados for 15 years is eligible for appointment.
- 2.2 An applicant must be in good health. In particular, he/she should have satisfactory sight and hearing [with technological assistance if required] and should also be able to sit and to concentrate for long periods of time.
- 2.3 An applicant must be a person of high integrity and who conducts himself/herself at all times, both in his/her professional and personal lives, in a manner that will maintain public confidence in the standards of the judiciary.

2.4 The Judicial Appointments Committee will recommend for appointment the candidate who appears to it, to be best qualified, with reference to the criteria [see paragraph 3.1], regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfillment of the physical requirements of the office.

2.5 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary of the Judicial Appointments Committee, who will be able to assist you.

### 3. CRITERIA FOR APPOINTMENT

3.1 The Judicial Appointments Committee will only recommend for appointment individuals who best satisfy the eligibility criteria and display the following attributes to the highest degree.

#### Legal Knowledge and Experience

##### Successful candidates will have attained

- (a) A high level of understanding of the principles of law and jurisprudence.
- (b) A comprehensive knowledge of the rules of evidence and of court practice and procedure.

#### Skills and Abilities

(a) Sound judgment, being able to:

- exercise discretion effectively;
- apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and
- consider competing arguments and reason logically to a balanced conclusion.

(b) Intellectual and analytical ability, being able to:

- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall such evidence and information speedily and accurately;
- apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not; and
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation.

(c) Decisiveness:

Having the ability to reach firm conclusions [often at speed], to think, decide and act independently of others, and to rely on their own judgment.

(d) Communication and listening skills:

Being able to communicate effectively with all types of court users, whether they are litigants, counsel, court staff, witnesses, members of the jury, or children, giving instructions, explaining complex issues and giving decisions in judgments clearly and concisely, both orally and, where necessary, in writing.

(e) Authority, being able to:

- command the respect of court users and maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing;
- **deliver judgments in a timely manner and in accordance with the constitutional provision to do so within 6 months.**

(f) Keeping abreast of legal developments and court technology.

[g] Applicants must be computer literate.

**Personal Qualities**

(a) Integrity:

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts;
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary: and
- Having the trust, confidence and respect of others.

(b) Fairness:

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside; and
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.

(c) Understanding of people and society:

Having a knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

(d) Maturity and sound temperament:

- Displaying a maturity of attitude and approach; and
- Being firm and decisive while remaining patient, tolerant, good-humoured and even tempered.

(e) Courtesy and humanity:

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of, the needs and concerns of court users, and being sensitive and humane.

(f) Commitment:

A commitment to public service and to the proper and efficient administration of justice, which they pursued conscientiously, with energy and diligence and a due sense of responsibility.

#### 4. THE APPOINTMENT PROCEDURE

##### General

4.1 Applications are welcome from all those who satisfy the published eligibility requirements.

##### Confidentiality

4.2 The Judicial Appointments Committee will treat all applications and supporting information as confidential save for the consultation process when the persons consulted shall be notified of the candidates so that they may provide feedback if they so desire.

##### Interviews

4.3 Selected applicants will be invited to an interview.

##### Consultation

4.4 Shortlisted applicants will be provided with the referee forms and guidelines for referees. You will be responsible for sending the form and guide to each of the three persons whom you would have listed at Part E of the application form. The forms should be distributed to the referees by the applicant but should be returned to the Secretary, the Judicial Appointments Committee directly and not through the applicant. Failure to comply with the instructions will result in the reference being rejected.

##### Allegations of misconduct

4.5 The Judicial Appointments Committee will attach no weight to un-particularized allegations of misconduct. It will consider any specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct is made, the Judicial Appointments Committee will send details of the allegation to the applicant, to enable him or her to comment on the allegation.

The Judicial Appointments Committee emphasizes that if consent is not given to reveal details of any allegations of misconduct to the applicant concerned, it will disregard the allegation.

4.6 This applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional abilities and qualities. For practical purposes, 'misconduct' refers to conduct which, if the allegations were substantiated, would be regarded by a professional Association as an infringement of the relevant principles of professional conduct.



### **Assumption of Duty**

- 4.7 In the event of an appointment the candidate would be expected to take up the appointment as soon as possible, subject to a reasonable period being allowed for disengagement from existing obligations.

## **PART 3**

### **5. MAKING AN APPLICATION**

#### **Obtaining the Application Form**

- 5.1 Copies of the Application Form for appointment as a Justice of Appeal can be obtained from the Court's website: [www](http://www).
- 5.2 Your signed application form may be sent by post, courier, or scanned and emailed provided that it gets to the Secretary of the Committee by the deadline date. If you do send your application by post, it must be post-marked on or before the deadline date.

#### **Acknowledgement of an Application**

- 5.3 Applicants will receive a receipt acknowledgement via email once their application is received by the Secretary, Judicial Appointments Committee on receipt of the applications. However, only suitably qualified applicants will receive a further notification indicating whether they have or have not been shortlisted for interview.

#### **Completing the Form**

- 5.4 Your application should be typed or completed clearly in black ink, with any additional information, attached to the back of the completed form. Please ensure that you sign and date the form.
- 5.5 An unsigned Application Form will not be accepted.

A copy of the Personal Details Page of Passport along with a certified copy of your Birth Certificate as well as certified copies of all relevant academic certificates or official transcripts should be submitted along with the Application Form.

#### **Your Address**

- 5.6 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary of the Judicial Appointments Committee of any changes to the information supplied under this heading.

#### **Names for Further Consultation**

- 5.7 The Judicial Appointments Committee invites you to provide the names and professional addresses of three persons, at least one of whom is or has been a member of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial Appointments Committee will provide you with the referee form and guide which you will send to the persons named on the application form as referees. The consultation process is to enable the Judicial Appointments Committee to have the widest possible views on applicants. Only referee forms received directly from the referee will be considered.

#### **Withdrawal**

- 5.8 You may withdraw your application for the position of Justice of Appeal at any time by writing to the Secretary of the Judicial Appointments Committee.

## **Health Issues**

- 5.9 If you are aware of any health matter which might adversely affect your performance in judicial office, this must be stated at the outset.

## **Contact Information**

- 5.10 All communication and enquiries in relation to your application should be forwarded under confidential cover to the Secretary of the Judicial Appointments Committee at the following address:

**The Secretary  
Judicial Appointments Committee  
P.O. Box 373G  
St. George  
BARBADOS  
Tel No.1-246-426-8280 or 1-246-571-8828  
Email: SupremeCourt.Jac@barbados.gov.bb**

Please note that all written communication should be submitted under confidential cover and sent by post, courier, or email.



## PART 4

### SUMMARY OF TERMS AND CONDITIONS FOR APPLICANTS FOR THE OFFICE OF JUSTICE OF APPEAL

#### 1. General

Included below is a summary of the basic terms and conditions of service. Fuller details will be supplied to candidates who are offered appointment.

#### 2. Terms and Conditions

Salary	-	BDS\$175, 514.85 p.a.
Judicial Allowance (non-taxable and pensionable)	-	BDS\$31, 694.64 p.a.
Entertainment Allowance	-	BDS\$20, 315.16 p.a.
Transport Allowance	-	BDS\$11, 439.24 p.a. <b>OR</b> a car fully maintained by Government
Robing Allowance	-	BDS\$8, 500.00 payable once

The exchange rate is usually US\$1.00 equals BDS\$2.00.  
There is no provision for housing or a housing allowance.

#### 3. Tenure

Under section 84 of the Constitution, a Justice of Appeal shall hold office until age 70 but there is provision for that age to be extended to 72 on application by the Judge and approval by the Prime Minister.

#### 4. Vacation Leave

42 days per annum.

In addition, the Supreme Court will be placed on vacation leave for such period as is determined by the Chief Justice. However, during such vacation of the Court, Judges must be on duty for such period as the Chief Justice determines.

#### 5. Pension

The appointment is pensionable in accordance with Section 4 and 6 of the *Judges (Remuneration and Pensions) Act, Cap.115A*.



**SUPREME COURT OF BARBADOS**

**APPOINTMENT TO THE OFFICE OF  
JUDGE OF THE HIGH COURT**

**GUIDE FOR APPLICANTS**



## **CONTENTS**

### **PART 1**

1. Introduction 2

### **PART 2**

2. Eligibility requirements 2
3. Criteria for appointment 3
4. The appointment procedure 6

### **PART 3**

5. Making an Application 8

### **PART 4**

6. Summary of the terms and conditions of High Court Judges 10

# PART 1

## INTRODUCTION

- 1.1 The purpose of this Guide is to assist applicants for the office of Judge of the High Court. It is arranged in four parts.

### Part 1

This gives a brief outline of the contents of the Guide.

### Part 2

This outlines the **eligibility requirements** and the **criteria** applicants must satisfy before the Judicial Appointments Committee will consider them for appointment. It also explains the **appointment procedure** and outlines how the Committee will obtain the comments of referees.

### Part 3

This gives important advice on **making an application**.

### Part 4

This contains **Annex A**: an outline of the **terms and conditions** of High Court Judges.

- 1.2 **Applicants are advised to ensure that they read and fully understand the contents of this Guide before they complete and submit their application form.**

# PART 2

## ELIGIBILITY REQUIREMENTS

- 2.1 A person is qualified for appointment as a Judge of the High Court if he or she – (a) is qualified to practise as an attorney-at-law in Barbados and has practised as such in Barbados, a Commonwealth country or in a common law jurisdiction for not less than 10 years; or (b) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a Commonwealth country or of a court having jurisdiction in appeals from such a court; or (c) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a common law jurisdiction or of a court

- 2.2 An applicant must be in good health. In particular, he/she should have satisfactory sight and hearing [with technological assistance if required] and should also be able to sit and to concentrate for long periods of time.
- 2.3 An applicant must be a person of high integrity and who conducts himself/herself at all times, both in his/her professional and personal lives, in a manner that will maintain public confidence in the standards of the judiciary.
- 2.4 The Judicial Appointments Committee will recommend for appointment the candidate who appears to it, to be best qualified, with reference to the criteria [see paragraph 3.1], regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfillment of the physical requirements of the office.
- 2.5 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary of the Judicial Appointments Committee, who will be able to assist you.

### **3. CRITERIA FOR APPOINTMENT**

- 3.1 The Judicial Appointments Committee will only recommend for appointment individuals who best satisfy the eligibility criteria and display the following attributes to the highest degree.

#### **Legal Knowledge and Experience**

##### Successful candidates will have attained

- [a] A high level of understanding of the principles of law and jurisprudence.
- [b] A comprehensive knowledge of the rules of evidence and of court practice and procedure.

#### **Skills and Abilities**

- [a] Sound judgment, being able to:
- exercise discretion effectively;
  - apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and

[b] Intellectual and analytical ability, being able to:

- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall such evidence and information speedily and accurately;
- apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not; and
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation.

[c] Decisiveness:

Having the ability to reach firm conclusions [often at speed], to think, decide and act independently of others, and to rely on their own judgment.

[d] Communication and listening skills:

Being able to communicate effectively with all types of court users, whether they are litigants, counsel, court staff, witnesses, members of the jury, or children, giving instructions, explaining complex issues and giving decisions in judgments clearly and concisely, both orally and, where necessary, in writing.

[e] Authority and case management skills, being able to:

- command the respect of court users and maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing;
- promote the expeditious dispatch of litigation, preventing unnecessary prolixity, repetition and irrelevance whilst ensuring that all parties [whether represented or not, and including children] are able to present their case or their evidence as fully and fairly as possible; and
- **deliver judgments in a timely manner and in accordance with the constitutional provision to do so within 6 months.**

[f] Keeping abreast of legal developments and court technology.

[g] Applicants must be computer literate.



## Personal Qualities

### [a] Integrity:

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts;
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary: and
- Having the trust, confidence and respect of others.

### [b] Fairness:

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside; and
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.

### [c] Understanding of people and society:

Having a knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

### [d] Maturity and sound temperament:

- Displaying a maturity of attitude and approach; and
- Being firm and decisive while remaining patient, tolerant, good-humoured and even tempered.

### [e] Courtesy and humanity:

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of, the needs and concerns of court users, and being sensitive and humane.

### [f] Commitment:

## 4. THE APPOINTMENT PROCEDURE

### General

4.1 Applications are welcome from all those who satisfy the published eligibility requirements.

### Confidentiality

4.2 The Judicial Appointments Committee will treat all applications and supporting information as confidential save for the consultation process when the persons consulted shall be notified of the candidates so that they may provide feedback if they so desire.

### Interviews

4.3 Selected applicants will be invited to an interview.

### Consultation

4.4 You will be provided with the referee forms and guidelines for referees. You will be responsible for sending the form and guide to each of the three persons whom you would have listed at Part E of the application form. The forms should be distributed to the referees by the applicant but should be returned to the Secretary, the Judicial Appointments Committee directly and not through the applicant. Failure to comply with the instructions will result in the reference being rejected.

### Allegations of misconduct

4.5 The Judicial Appointments Committee will attach no weight to un-particularized allegations of misconduct. It will consider any specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct is made, the Judicial Appointments Committee will send details of the allegation to the applicant, to enable him or her to comment on the allegation.

The Judicial Appointments Committee emphasizes that if consent is not given to reveal details of any allegations of misconduct to the applicant concerned, it will disregard the allegation.

4.6 This applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional

## **Assumption of Duty**

- 4.7 In the event of an appointment the candidate would be expected to take up the appointment as soon as possible, subject to a reasonable period being allowed for disengagement from existing obligations.

## **PART 3**

### **5. MAKING AN APPLICATION**

#### **Obtaining the Application Form**

- 5.1 Copies of the Application Form for appointment as High Court Judge can be obtained from the Court's website: [www](http://www).
- 5.2 Your signed application form may be sent by post, courier, or scanned and emailed provided that it gets to the Secretary of the Committee by the deadline date. If you do send your application by post, it must be post-marked on or before the deadline date.

#### **Acknowledgement of an Application**

- 5.3 Applicants will receive a receipt acknowledgement via email once their application is received by the Secretary, Judicial Appointments Committee on receipt of the applications. However, only suitably qualified applicants will receive a further notification indicating whether they have or have not been shortlisted for interview.

#### **Completing the Form**

- 5.4 Your application should be typed or completed clearly in black ink, with any additional information, attached to the back of the completed form. Please ensure that you sign and date the form.
- 5.5 An unsigned Application Form will not be accepted.

A copy of the Personal Details Page of Passport along with a certified copy of your Birth Certificate as well as certified copies of all relevant academic certificates or official transcripts should be submitted along with the Application Form.

#### **Your Address**

- 5.6 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary of the Judicial Appointments Committee of any changes to the information supplied under this heading.

## **Names for Further Consultation**

- 5.7 The Judicial Appointments Committee invites you to provide the names and professional addresses of three persons, at least one of whom is or has been a member of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial Appointments Committee will provide you with the referee form and guide which you will send to the persons named on the application form as referees. The consultation process is to enable the Judicial Appointments Committee to have the widest possible views on applicants. Only referee forms received directly from the referee will be considered.

## **Withdrawal**

- 5.8 You may withdraw your application for the position of High Court Judge at any time by writing to the Secretary of the Judicial Appointments Committee.

## **Health Issues**

- 5.9 If you are aware of any health matter which might adversely affect your performance in judicial office, this must be stated at the outset.

## **Contact Information**

- 5.10 All communication and enquiries in relation to your application should be forwarded under confidential cover to the Secretary of the Judicial Appointments Committee at the following address:

**The Secretary  
Judicial Appointments Committee  
P.O. Box 373G  
St. George  
BARBADOS  
Tel No.: 1-246-426-8280 or 1-246-571-8828  
Email: [SupremeCourt.Jac@barbados.gov.bb](mailto:SupremeCourt.Jac@barbados.gov.bb)**

Please note that all written communication should be submitted under confidential cover and sent by post, courier, or email.

## PART 4

### SUMMARY OF TERMS AND CONDITIONS FOR APPLICANTS FOR THE OFFICE OF JUDGE OF HIGH COURT

#### General

Included below is a summary of the basic terms and conditions of service. Fuller details will be supplied to candidates who are offered appointment.

#### Terms and Conditions

Salary	-	BDS\$161, 535.78 p.a.
Judicial Allowance (non-taxable and pensionable)	-	BDS\$29, 937.72 p.a.
Entertainment Allowance	-	BDS\$16, 578.84 p.a.
Transport Allowance	-	BDS\$11, 439.24 p.a. <b>OR</b> a car fully maintained by Government
Robing Allowance	-	BDS\$8, 500.00 payable once

The exchange rate is usually US\$1.00 equals BDS\$2.00.  
There is no provision for housing or a housing allowance.

#### Tenure

Under section 84 of the Constitution, a Judge of the High Court shall hold office until age 65 but there is provision for that age to be extended to 67 on application by the Judge and approval by the Prime Minister.

#### Vacation Leave

42 days per annum.

In addition, the Supreme Court will be placed on vacation leave for such period as is determined by the Chief Justice. However, during such vacation of the Court, Judges must be on duty for such period as the Chief Justice determines.

## **Pension**

The appointment is pensionable in accordance with Section 4 and 6 of the *Judges (Remuneration and Pensions) Act, Cap.115A*.

## **Code of Conduct**

A Judge of the High Court will be expected to conform to the Guide to Judicial Conduct 2006 as may be amended from time to time.





**SUPREME COURT OF BARBADOS**

**GUIDE FOR REFEREES**

**All completed assessment forms should be sent directly to the Secretary of the Judicial Appointments Committee on or before 22 July 2019.**

## PART 1

### 1. INTRODUCTION

- 1.1. The purpose of this guide is to assist those to be consulted [referees] in respect of an application for judicial appointment.

#### Part 1

This gives a brief outline of the contents of the Guide.

#### Part 2

This outlines the **criteria** that a candidate must satisfy before the Judicial Appointments Committee will consider him or her for an appointment to the High Court.

#### Part 3

This provides information on how the Judicial Appointments Committee would like you to provide your written comments on candidates. It is in a **common report format** for comments and provides information on the **classifications**, which the Judicial Appointments Committee asks that you adopt. It also contains **contact details** for the Secretary of the Judicial Appointments Committee.

#### Part 4

This contains the annex – the Assessment Form.

- 1.2 Referees are requested to ensure that they read and fully understand the contents of this guide before they complete their assessment forms and return them to the Secretary of the Judicial Appointments Committee. The forms should be submitted by the referee themselves and not through the candidate despite the fact that it would have been sent to you by the applicant.

## PART 2

### 2. THE CRITERIA

- 2.1 The Judicial Appointments Committee will recommend for appointment the candidate who appears to be best qualified, with reference to the stated criteria, regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfilment of the physical requirements of the office.

## **Legal Knowledge and Experience**

### **Successful candidates will have attained:**

- [a] A high level of understanding of the principles of law and jurisprudence.
- [b] A comprehensive knowledge of the rules of evidence and of court practice and procedure.

## **Skills and Abilities**

### [a] **Sound judgment**, being able to:

- exercise discretion effectively
- apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and
- consider arguments and reason logically to a balanced conclusion.

### [b] **Intellectual and Analytical Ability**, being able to:

- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall evidence and information speedily and accurately.
- apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not.
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation.
- being able to apply the law creatively.

### [c] **Decisiveness**:

Having the ability to reach firm conclusions [often at speed], to think, decide and act independently of others, and to rely on their own judgment.

### [d] **Communication Skills**:

Being able to communicate effectively with all types of court users including lay people [whether defendants, witnesses, members of a jury

[e] **Authority**, being able to:

- command the respect of court users and to maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing; and
- promote the expeditious dispatch of litigation, preventing unnecessary prolixity, repetition and irrelevance whilst ensuring that all parties [whether represented or not, and including children] are able to present their case or their evidence as fully and fairly as possible.
- keep abreast of legal developments and court technology.

**Personal Qualities**

[a] **Integrity**

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts.
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary; and
- Having the trust, confidence and respect of others.

[b] **Fairness**

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside; and
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their case to be clearly presented and that it is then considered as fully and dispassionately as possible.

[c] **Understanding of People and Society**

Having knowledge and understanding of, and respect for, people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

[d] **Maturity and Sound Temperament**

- Displaying a maturity of attitude and approach; and

[e] **Courtesy and Humanity**

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of the needs and concerns of court users, as appropriate, and being sensitive and humane.

[f] **Commitment**

A commitment to public service and to the proper and efficient Administration of Justice, which they pursue conscientiously, with energy and diligence.

## PART 3

### 3. RECORDING COMMENTS

#### General

- 3.1 All referees are asked to provide substantive written comment about the candidate's skills and abilities on the Assessment Form enclosed with this Guide. If there are insufficient copies of the assessment form for your needs, please photocopy one of the originals, or, if you prefer, contact the Secretary of the Judicial Appointments Committee.
- 3.2 If it is not convenient to use the form supplied, please express your views in a letter. However, the Judicial Appointments Committee would find it most helpful if you addressed **all** of the criteria outlined in paragraph 2.1 and included the information requested on the form.

#### Marking

- 3.3. The Judicial Appointments Committee will have regard to the criteria at paragraphs 2.1 when considering an application. You are asked for a marking in relation to each of these criteria, in accordance with the following scale:

- [1] Not demonstrated
- [2] Insufficiently demonstrated
- [3] Demonstrated
- [4] Well demonstrated
- [5] Very well demonstrated

3.4 The Judicial Appointments Committee has emphasized that it will place more weight on particularized comments [see paragraphs 3.6 to 3.9] and, in order to ensure that applicants are judged by different referees on the same basis, has asked that all referees use the following overall classifications:

- [A] Well suited for appointment
- [B] Suited for appointment
- [C] Not yet suited for appointment
- [D] Not suited for appointment

### **Ranking**

3.5 In a highly competitive situation like this, it would be very helpful to the Judicial Appointments Committee to be given a ranking of the leading candidates. The Judicial Appointments Committee asks that all referees give an order of preference for those candidates in respect of whom they award an A marking.

### **Comments**

3.6 The Judicial Appointments Committee emphasizes that comments on an applicant's suitability or otherwise for appointment to the High Court must be fully supported by detailed reasons.

Any comments on an applicant's suitability or otherwise for appointment to the High Court which are not supported by detailed reasons will be disregarded.

3.7 The Judicial Appointments Committee emphasizes that the weight attributed to a referee's opinions will depend on how particularized they are and how familiar referees are with the sources of their information.

3.8 The Judicial Appointments Committee requests that you give details of your knowledge of the candidate – whether it is through their judicial work or through their practice; and whether you have any other connections, such as chambers or professional associations. You are also required to give an indication as to how frequently you come into contact with the candidate and how recent is your knowledge of him or her.

3.9 The comments, classifications and rankings that you provide may assist the Judicial Appointments Committee to determine how a candidate ranks. Referees must assess each candidate's suitability against the criteria for appointment. You are asked to be objective in your assessments and to

## **Allegations of Misconduct**

- 3.10 The Judicial Appointments Committee requests that referees' views should be expressed fully and frankly. Any known misconduct on the part of an applicant must be disclosed and particularized. Any reservations and recommendations should also be indicated. In considering the views that are expressed the Committee will attach no weight to unparticularized allegations of misconduct. The Judicial Appointments Committee wishes to consider only specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct against an applicant is made, the Committee will send details of the allegation to the applicant, to enable him or her to comment on the allegation.
- 3.11 The foregoing applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional abilities and qualities. For practical purposes, 'misconduct' refers to conduct which, if the allegation were substantiated, would be regarded by a professional Association as an infringement of the relevant principles of professional conduct; and/or might, prima facie, cause the Judicial Appointments Committee to consider whether to initiate disciplinary proceedings, where the person concerned is a holder of a relevant judicial or legal office.

## **Returning your Completed Assessment Forms**

- 3.12 All completed assessment forms should be sent directly to the Secretary of the Judicial Appointments Committee. **Directions will follow in due course. Referee assessment forms will only be required from referees in respect of person who are short listed.**
- 3.13 You may return your completed signed assessment forms by hand delivery, post, or scanning and emailing to [supremecourt.jac@barbados.gov.bb](mailto:supremecourt.jac@barbados.gov.bb) . If you send your forms by post, you should allow enough time for delivery before the deadline identified above.
- 3.14 The Secretary of the Judicial Appointments Committee will normally issue an email acknowledgement confirming the receipt of your comments.

## **Contact Information**

- 3.15 All communication and enquiries in relation to your assessment should be forwarded to the Secretary of the Judicial Appointments Committee at the following address:

**The Secretary**  
**Judicial Appointments Committee**  
**P.O. Box 373G**  
**St. George, Barbados**  
**Tel No.: 1-246-426-8280 or 1-246-571-8828**  
**Email: [SupremeCourt.Jac@barbados.gov.bb](mailto:SupremeCourt.Jac@barbados.gov.bb)**

Please note that all written communication should be submitted, **under confidential cover**, and hand delivered or sent by post or email.





## **SUPREME COURT OF BARBADOS**

### **REFEREE ASSESSMENT FORM**

#### **INSTRUCTIONS TO APPLICANTS**

**A shortlisted Applicant must send to each of your Referees the Referee Assessment Form attached and advise them:**

- (1) To consult the Guide for Referees on the webpage before completing the Form;**
- (2) To complete the Form;**
- (3) Personally (not through the Applicant), to return the completed Form to The Secretary, The Judicial Appointments Committee, either by post at P.O. Box 373G, St. George, Barbados, or online at [supremecourt.jac@barbados.gov.bb](mailto:supremecourt.jac@barbados.gov.bb),**

**on or before 22 JULY 2019**

# SUPREME COURT OF BARBADOS

## REFEREE ASSESSMENT FORM for JUSTICE OF APPEAL/JUDGE OF THE HIGH COURT (please delete that which is not applicable)

<b>Name of Applicant</b>	
<b>Name of Referee</b>	

### 1. PLEASE GIVE DETAILS OF YOUR KNOWLEDGE OF THE APPLICANT:

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*In answering the following please have regard to the Marking Scales below:*

<b>Criteria</b>	<b>Overall Mark</b>
[5] Not demonstrated	[A] Well suited for appointment
[6] Insufficiently demonstrated	[B] Suited for appointment
[7] Demonstrated	[C] Not yet suited for appointment
[8] Well demonstrated	[D] Not suited for appointment
[9] Very well demonstrated	

**2. PLEASE EVALUATE THE APPLICANT IN THE FOLLOWING CATEGORIES**

Detailed Comments:

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**High Level of  
Understanding of  
the Principles of  
Law and  
Jurisprudence**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

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**Comprehensive  
knowledge of the  
rules of evidence and  
of court practice and  
procedure**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

**Sound Judgment**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

**Intellectual and Analytical Ability**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

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**Decisiveness**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

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**Listening and  
Communication  
Skills**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

**Authority and  
Keeping Abreast of  
Legal Developments**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

**Integrity**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

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**Fairness**

1 2 3 4 5  
Lowest to Highest

Unable to state

Detailed Comments:

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**Understanding  
People and Society**

1 2 3 4 5  
Lowest to Highest

Unable to state

Detailed Comments:

**Maturity and Sound  
Temperament**

1 2 3 4 5

Lowest to Highest

Unable to state

Detailed Comments:

**Courtesy and  
Humanity**

1 2 3 4 5

Lowest to Highest

Unable to state



**Detailed Comments:**

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**Commitment**

1 2 3 4 5

Lowest to Highest

Unable to state

**Any additional comments:-**

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**Overall Marking**

A B C D

Highest to Lowest

Unable to state

**Kindly indicate, on the separate sheet provided, reasons for your overall assessment.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## REASONS FOR OVERALL ASSESSMENT

<p><b>Signature:</b> _____ <b>Date:</b> _____</p>
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MR. JUSTICE RAJENDRA NARINE

Mr. Justice Narine, 65, was born in Trinidad on 3 April 1954.

He is a graduate of the University of the West Indies (B.A; LLB) and obtained the Legal Education Certificate (LEC) of the Council of Legal Education in 1984, after which he entered into private practice in his native country.

On 1 April, 1997 he was appointed a Puisne Judge of the High Court of Trinidad and Tobago, and just over 12 years later, on 16 September 2009 promoted to the Court of Appeal of Trinidad and Tobago, retiring on 2 April, 2019 on the eve of his 65<sup>th</sup> birthday, the age of mandatory retirement in that jurisdiction.

Mr. Justice Narine's service on the Courts of Trinidad and Tobago was both in the area of Criminal Law as well as Civil Law and Procedure. All of his Referees attest to his competence, integrity, independence and impartiality. That independence was apparent in that in one of the very last judgments delivered on the day of his retirement, he gave a dissenting judgment, in a matter relating to contempt of court (see ***Sturge v. Director of Public Prosecutions and The Attorney General of Trinidad and Tobago***, Cr. App. No P 047 of 2017)

Two of Mr. Justice Narine's appellate judgments, one civil, the other criminal, were upheld by the Judicial Committee of the Privy Council in 2017 and 2018. The decisions are ***Motor One Insurance Co. Ltd v. Maharaj et al v. Motor One Insurance [2018] UKPC 8***; and ***Hernandez v. The State***, upheld in ***Pitman v. The State, Hernandez v. The State [2017] UKPC 6***.





## MR. JUSTICE FRANCIS HERBERT VINCENT BELLE

Mr. Justice Belle, 63, was born in Barbados on 3 December 1955.

He is a graduate of the University of the West Indies (B.A; LLB) and obtained the Legal Education Certificate (LEC) of the Council of Legal Education in 1986. In 2002, he received a Master of Science degree in Conflict Analysis and Resolution from Nova South Eastern University. Additionally, he has had training with the ILO Labour Centre in Turin, Italy and the Commonwealth Judicial Education Institute in Halifax, Canada.

Following his admission to the Barbados Bar in 1986, Mr. Justice Belle was in private practice until he took an appointment as Senior Crown Counsel in the British Virgin Islands in 1993, serving until 1997. From September 1997 until November 1998 he was Director of Public Prosecutions in St. Kitts. Thereafter, he went back into private practice until his appointment as a High Court Judge of the Eastern Caribbean Supreme Court on 1 January 2004 where he has continued to serve until the present. On occasion, he has acted as a Justice of the Court of Appeal of the Eastern Caribbean Supreme Court. In 2013, he was invited to be an acting Judge of the Grand Court of the Cayman Islands, sitting in its Criminal Division, an appointment he would relinquish if appointed as a Justice of Appeal of Barbados.

Earlier this year, Mr. Justice Belle was appointed to serve a seven-year term as a Judge of the United Nations Dispute Tribunal. This appointment will require the judge to serve for one month twice yearly, in New York in two three month rotations. Outside the requirement to be in New York, Mr. Justice Belle will be required to be accessible, virtually, to resolve such issues as may be referred by the President of the Tribunal.

The nature of the work of the Eastern Caribbean Supreme Court and the several territories in which he has served, has required Mr. Justice Belle to deal with all aspects of law: criminal, civil, Constitutional, public and administrative law.

Over the years, a number of his High Court decisions have been reviewed by the Judicial Committee of the Privy Council. In a recent civil matter, *Cenac and others v. Schafer* [2016] UKPC 25 there was a minor modification to the judge's order, but otherwise, the appeal was dismissed. Mr. Justice Belle's summation in the criminal appeal of *Duporte v. The Queen* [2015] UKPC 18, was commented on at paragraph 50, in these terms: "*The reality is that the judge reviewed all the oral evidence very fully. Overall, the summing-up was sufficient for its purpose*".





### MR. JEFFERSON O'BRIEN CUMBERBATCH

Mr. Cumberbatch, 61, was born in Barbados on 5 September, 1957.

He is a graduate of the University of the West Indies (LL.B.) and obtained the Legal Education Certificate (LEC) of the Council of Legal Education in 1980. On graduation, he joined the Faculty of Law of the University of the West Indies as a Temporary Lecturer in Law and was in 1983 appointed a Lecturer in Law, a position he held until his promotion to Senior Lecturer in 1993, the position he has held until the present. Concurrently with the post of Senior Lecturer, Mr. Cumberbatch has been Deputy Dean and Head, Teaching Department, Faculty of Law (1994-1996), Deputy Dean, Faculty of Law 1996-2005 and 2013 -2017.

In November 2010, Mr. Cumberbatch acted as a Justice of Appeal of the Eastern Caribbean Supreme Court.

Additionally, Mr. Cumberbatch has served on several regulatory bodies both in Barbados, and regionally. These include:

- a) The Anti-Money Laundering Authority, 2000-2018, first as Deputy Chairman and from 2008 until 2018, as Chairman;
- b) The Consumer Claims Tribunal, 2003-2018, first as Deputy Chairman and from 2009 until 2018 as Chairman;
- c) The Regional Judicial and Legal Services Commissioner, 2009-2013, and
- d) Chairman, Fair Trading Commission, July 2015 to June 2018.

Mr. Cumberbatch is renowned for his scholarship and his several publications, including those that appear weekly in the Sunday Advocate speak both to a disciplined approach to meeting demanding deadlines as well as a mastery of legal issues and principles.

The Judicial Appointments Committee is of the view that Mr. Cumberbatch's erudition as a Teacher of Law for close to 40 years would undoubtedly enhance the scholarship and deliberations of the Court of Appeal of Barbados.







## MADAM JUSTICE SHONA ODILE GRIFFITH

Ms. Griffith is a Guyanese national who was born on 11 January 1973. She has been serving as a Judge of the Supreme Court of Belize since March 2014 following service in the legal and judicial services of Montserrat, Tortola and St. Kitts-Nevis.

Ms. Griffith is the holder of a Bachelor of Laws degree (LL.B.) (Hons.) of the University of the West Indies (1994); a Master of Laws degree with Merit (LL.M.) of the University of London (2010), and a Legal Education Certificate (LEC) from the Hugh Wooding Law School (1996). Prior to the award of the LEC, Ms. Griffith did in-service training in Barbados in the Chambers of Ms. Cicely Chase Q.C. and the late Sir Douglas Lynch Q.C. (1996/1997).

Ms. Griffith is a Fellow of the Commonwealth Judicial Education Institute (CJEI) and is currently the chairperson of the Judicial Education Committee in the Supreme Court of Belize and is a member of other sub-committees of that Court. Ms. Griffith has indicated to the Judicial Appointments Committee that she will not be available to take up an appointment in the High Court of Barbados until mid-January 2020.





MR. CECIL NATHANIEL McCARTHY Q.C.

Mr. McCarthy is a Barbadian. He was born on 17 September 1956. He holds the degree of Bachelor of Laws (LL.B.) (Hons.) of the University of the West Indies (1981) and is a graduate of the Hugh Wooding Law School where he was awarded the Legal Education Certificate (LEC) in 1983.

Since 1984, Mr. McCarthy has practised law at the private Bar in Barbados, been a part-time law lecturer at the University of the West Indies and a tutor at the Barbados Community College.

For many years Mr. McCarthy wrote a highly acclaimed and widely-read weekly column on legal matters for the Nation newspaper. Since 2014 he has acted as a Judge of the High Court on several occasions presiding mainly in civil and family matters.





## MR. BARRY LEROY CARRINGTON

Mr. Carrington is a Barbadian, born 1 May 1958. He is a graduate of the University of the West Indies where he was awarded the Bachelor of Laws degree (LL.B) (Hons.) in 1991. He obtained the Legal Education Certificate (LEC) from the Hugh Wooding Law School in 1993.

Thereafter, Mr. Carrington obtained two Master of Laws degrees. The first was awarded by the University of the West Indies in 2014 as an I-L.M. majoring in Legislative Drafting. His second post-graduate degree is an LL.M (with Distinction) in International Trade Law, awarded by the University of Essex.

Mr. Carrington served in the Royal Barbados Police Force for 12 years (1993-2005); the Solicitor-General's Chambers (1996-2002); as Public Counsel (2002-2008), and since 2008 as Chief Legal Officer in the Ministry responsible for Energy.

Mr. Carrington acted as a Judge of the High Court in 2018.





**MRS. CICELY PATRICIA CHASE-HARDING Q.C.**

Mrs. Chase-Harding is a Barbadian, born on 17 February 1959. She is a graduate of the University of the West Indies, (LL.B.) (Hons.) (1981) and the holder of the Legal Education Certificate (LEC) of the Hugh Wooding Law School (1983).

For seventeen years (1983-2000), Mrs. Chase-Harding practised law at the private Bar as a member of Epworth Chambers founded by the late Sir Jack Dear Q.C. She then established her own Chambers (Seneca Chambers) in 2001 from which she has had a wide and varied practice at the private Bar.

During her professional career, Mrs. Chase-Harding served as chairperson of the Benefits Appeal Tribunal of the National Insurance Scheme (1994-2005); member of the Land Tax Relief Tribunal (2004-2006) and chairperson of the Disciplinary Committee of the Bar Association (2008-2011).

Mrs. Chase-Harding served as an acting Judge of the High Court in 2018.







## MR. CHRISTOPHER FITZGERALD BIRCH

Mr. Christopher Birch, who also holds the rank of Major in the Barbados Defence Force, was born on 31 January 1967 in England to Barbadian parents. He is currently the Chief Magistrate of Barbados.

Mr. Birch is a graduate of the University of the West Indies (LL.B.) (Hons.) (1989) and a graduate of the Hugh Wooding Law School where he was awarded the Legal Education Certificate (LEC) in 1991.

Mr. Birch had 4 years' experience at the private Bar (1991-1995) but, since 1996, he has been serving in the judicial and legal service of Barbados. He has been Deputy Registrar, Corporate Affairs and Intellectual Property (2000-2005) and a Magistrate (2006 to the present). Mr. Birch formulated and executed a pilot project based on the case of ***R v Goodyear (2005)*** where he has used maximum sentence indications (MSI) in his court with such great success that it is being used in courts throughout the criminal justice system.

