



# VACANCY NOTICE

## PRESIDING JUDGE

Commercial Division of the High Court, Eastern Caribbean Supreme Court

### **APPOINTING AUTHORITY:**

Judicial and Legal Services Commission of the Supreme Court established under the Courts Order 1967 (Imperial Legislation Statutory Instrument No 223 of 1967) and chaired by the Chief Justice of the Eastern Caribbean Supreme Court (“the ECSC”).

### **THE COMMERCIAL DIVISION:**

The Commercial Division of the ECSC is superior court of record which hears and determines Commercial Cases as defined in the Eastern Caribbean Supreme Court Civil Procedure Rules 2000. The bulk of the work of the Commercial Division consists of high value cross-border litigation with a base in financial services, international commerce and company and insolvency law. Appeals from decisions of the Commercial Division are heard by the Court of Appeal of the ECSC, from which appeals lie to the Judicial Committee of the Privy Council.

### **DUTIES AND RESPONSIBILITIES:**

1. To hear and determine all claims commenced in the Commercial Division of the High Court, Eastern Caribbean Supreme Court (‘the Commercial Court’) including all interim and other applications made in the course of such proceedings. While the bulk of such claims will be commenced and heard in the Commercial Division sitting in Tortola, Territory of the Virgin Islands (‘British Virgin Islands’), the Commercial Court Judge may, at the direction of the Chief Justice, hear claims originating from the six Member States and two other UK Overseas Territories which comprise the territorial jurisdiction of the ECSC, whether in Tortola or in the particular Member State or Overseas Territory in question.
2. To constitute and convene a Commercial Court Users Committee comprising representatives of local law firms which regularly make use of the facilities of the Commercial Court (‘the Committee’).

3. To keep under review, in conjunction with the Committee, the functioning of the Commercial Court Registry and to make such recommendations as may seem expedient for ensuring the efficient management of cases proceeding in the Commercial Court.
4. To keep under review, in conjunction with the Committee, the practice and procedure of the Commercial Court and to make such recommendations for its development as may seem expedient.
5. Before expiration of term, to provide such advice and assistance to a successor Judge as may be necessary to enable a seamless handover.

**QUALIFICATIONS & EXPERIENCE:**

The suitable candidate should possess:

At least the (10) years' experience as a Judge in a Court within the Commonwealth which has Civil jurisdiction in cross-border or International Commercial cases;

OR

At least five (5) years' experience as a Judge in a specialised court dealing with cross-border or International Commercial cases;

OR

At least ten (10) years' practise as a leading Attorney-at-Law specializing in litigation involving cross-border or International Commercial cases.

Prior experience as a judge within the Commonwealth in a specialised court dealing with cross-border or International Commercial cases is considered an asset.

**TERM:**

Three (3) years or any agreed extension of same.

**RESIDENCE:**

Tortola, British Virgin Islands

**SALARY AND BENEFITS:**

- (a) Gross Salary: US\$200,000.00 per annum, free of tax, payable monthly in arrears (comprising base salary and other allowances);
- (b) Gratuity of 20% of contractual salary payable upon successful completion of contract (free of tax);
- (c) Six calendar weeks' or 42 calendar days' vacation per annum;

- (d) Life and Medical insurance coverage;
- (e) Fully furnished rent-free accommodation and all associated utilities;
- (f) Entitlement to Duty Free allowances in accordance with the law of the British Virgin Islands;
- (g) Driver and fully maintained vehicle;
- (h) Passage for appointee, spouse and under age children from country of resident to the British Virgin Islands at commencement of contract and back to country of residence at end of contract.

**APPLICATIONS:**

Applications Forms can be accessed on the Courts website at: [www.eccourts.org](http://www.eccourts.org). **Applications must be accompanied by** a complete curriculum vitae and full details of all relevant experience. Applications must be submitted electronically via email **by Friday, 1<sup>st</sup> July 2022** to:

**The Secretary**  
**Judicial and Legal Services Commission**  
**P.O. Box 1093**  
**Castries**  
**Saint Lucia, West Indies**  
**Email: [jpsc@eccourts.org](mailto:jpsc@eccourts.org)**  
**Tel: 1 758 457 3600**

# EASTERN CARIBBEAN SUPREME COURT

## Application for Appointment as High Court Judge – Commercial Division

Closing Date for Applications:

**Friday, 1<sup>st</sup> July 2022**

**All referee forms in support of applications must be submitted directly by referees on or before the closing date for applications.**

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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: \_\_\_\_\_

***[a copy of the Biodata page  
of your Passport along with a  
certified copy of your Birth  
Certificate must be submitted  
with the Application Form]***

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

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

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

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

Mailing Address: \_\_\_\_\_  
[if same as business or  
personal, please indicate]  
\_\_\_\_\_

Please indicate with an *x* the address  
to be used for **correspondence**  
relating to this application: Business \_\_\_\_\_ Personal \_\_\_\_\_ Mailing \_\_\_\_\_

Please indicate with an *x* the **email**  
**address** to be used for  
correspondence relating to  
this application: Business \_\_\_\_\_ Personal \_\_\_\_\_

Please indicate with an *x* your appropriate current status:

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

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

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

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## Section B – Educational, Professional and Training History

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*[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

| <b>Colleges and/or Universities Attended and Addresses</b> | <b>Dates Attended</b> | <b>Degrees/Diplomas/Certificates awarded<br/><i>(Please state class, if applicable)</i></b> |
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### [2] Professional/Legal Training

| <b>Institution[s] Attended and Address[es]</b> | <b>Dates Attended</b> | <b>Degrees/Diplomas/Certificates awarded<br/><i>(Please state class, if any)</i></b> |
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**[5] Professional Experience**

Please give details of your professional experience including Commercial Law 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 of Work |
|-------|----|--|---------------------|
| 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.

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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, 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, or made a 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 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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6. Please list in chronological order commencing with the most recent, the 10 cases that you consider to be the most important in your career, including those in the area of Commercial Law. Give the name of each case, name of opposing Counsel, brief details of the nature of the matter and of final disposition. Please provide information by which any written judgments could be accessed.

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7. If you currently hold or have held judicial office, list the 10 most important cases over which you have presided including those relating to Commercial Law. 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 the Eastern Caribbean Supreme Court, 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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**Section E – References**

You may include here the names and addresses of two 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.]*

**Referee #1**

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

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Contact: \_\_\_\_\_

**Referee #2**

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

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Contact: \_\_\_\_\_

**Referee #3**

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

Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Contact: \_\_\_\_\_

**Section F – Further Information**

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

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**Section F – Declaration**

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I \_\_\_\_\_ swear/affirm under the penalty of perjury 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. I also understand and agree that, if offered employment, I will be required to provide proof of my qualifications and undergo a pre-employment medical examination. Adverse results of such examination may result in the withdrawal of the offer of appointment.

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

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

Completed application forms should be submitted electronically via email under confidential cover by **Friday, 1<sup>st</sup> July 2022** addressed to:

**The Secretary**  
**Judicial and Legal Services Commission**  
**2<sup>nd</sup> Floor, Heraldine Rock Building**  
**The Waterfront**  
**P.O. Box 1093**  
**Castries**  
**SAINT LUCIA, WEST INDIES**

**Tel No.**        758 457 3600

**Email:**        [jlsc@eccourts.org](mailto:jlsc@eccourts.org)

Candidates will receive written notification that their applications have been received and will normally be notified within one month if they have been selected for interview.

**Thank you for your interest in an appointment to**  
**the Eastern Caribbean Supreme Court**

**EASTERN CARIBBEAN SUPREME COURT**

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

**GUIDE FOR APPLICANTS**

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# 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 and Legal Services Commission will consider them for appointment. It also explains the **appointment procedure** and outlines how the Judicial and Legal Services Commission 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 To be eligible for appointment as a High Court Judge, an applicant
- [a] must have either:
    - [i] been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; or
    - [ii] qualified to practice as an advocate in such a court, and has so practiced, for a period of or periods amounting in the aggregate to not less than 10 years.
  - [b] 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.
  - [c] must be a person 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.
- 2.2 The Judicial and Legal Services Commission will appoint 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.
- 2.3 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary to the Judicial and Legal Services Commission, who will be able to assist you.



### 3. CRITERIA FOR APPOINTMENT

3.1 The Judicial and Legal Services Commission will only appoint 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;
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation; and
- 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 and listening skills:

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

[f] Keeping 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 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 and Legal Services Commission will treat all applications and supporting information as confidential until 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 Applications will normally be subject to written consultation only.
- 4.5 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 to the JLSC directly and not through the applicant. Failure to comply with the instructions will result in the reference being rejected.

## Allegations of misconduct

- 4.6 The Judicial and Legal Services Commission 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 and Legal Services Commission will seek the referee's consent to send details of the allegation to the applicant, to enable him or her to comment on the allegation.

**The Judicial and Legal Services Commission emphasizes that if consent is not given to reveal details of any allegations of misconduct to the applicant concerned, it will disregard the allegation.**

- 4.7 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; and/or might, prima facie, cause the Judicial and Legal Services Commission to consider whether to initiate disciplinary proceedings, where the person concerned is a holder of a relevant judicial or legal office.

## **Assumption of Duty**

- 4.8 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-Commercial Division can be obtained from the Secretary to the Judicial and Legal Services Commission and from the Court's website: [www.eccourts.org](http://www.eccourts.org)
- 5.2 Your signed application form must be emailed to the Office of the Judicial and Legal Services Commission at [jlsc@eccourts.org](mailto:jlsc@eccourts.org) and must get to the Secretary to the Commission by the deadline date.

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

- 5.4 Applicants will receive a receipt acknowledgement via email once their application is received by the Secretary to the JLSC. However, only suitably qualified applicants will receive a further notification indicating whether they have or have not been shortlisted for interview.

#### **Completing the Form**

- 5.5 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.
- 5.6 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 should be submitted along with the Application Form.

## **Your Address**

- 5.7 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary to the Judicial and Legal Services Commission of any changes to the information supplied under this heading.

## **Names for Further Consultation**

- 5.8 The Judicial and Legal Services Commission invites you to provide the names and professional addresses of **two to three** members of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial and Legal Services Commission 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 and Legal Services Commission to have the widest possible views on applicants. Only referee forms received directly from the referee will be considered.

## **Canvassing for Support**

- 5.9 It is not necessary or appropriate for applicants to approach those whom they name to canvass support as what is sought is not a reference but information to enable an assessment to be made of their suitability for appointment. Likewise it is unnecessary and inappropriate for referees to canvass support for particular applicants. However, applicants are advised that, as a matter of courtesy, they may feel free to inform their referees that they have been nominated.

## **Withdrawal**

- 5.10 You may withdraw your application for the position of High Court Judge at any time by writing to the Secretary to the Judicial and Legal Services Commission.

## **Health Issues**



- 5.11 If you are aware of any health matter which might adversely affect your performance in judicial office, it would be helpful if this could be mentioned at the outset.

### **Contact Information**

- 5.12 All communication and enquiries in relation to your application should be forwarded to the Secretary to the Judicial and Legal Services Commission at the address below:

**The Secretary**  
**Judicial and Legal Services Commission**  
**Heraldine Rock Building**  
**The Waterfront**  
**P.O. Box 1093**  
**Castries**  
**SAINT LUCIA**

**Tel No.**        758 457 3600

**Email:**        [jlsc@eccourts.org](mailto:jlsc@eccourts.org)

Please note that all written communication should be submitted electronically via email under confidential cover.

## **PART 4**

### **ANNEX A**

#### **GUIDE FOR APPLICANTS**

#### **OFFICE OF HIGH COURT JUDGE**

#### **OUTLINE OF TERMS AND CONDITIONS**

##### **1. General**

The following is a summary of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

##### **2. Terms and Conditions**

A High Court Judge is liable to be assigned at any time to any territory within the jurisdiction of the Eastern Caribbean Supreme Court. The terms and conditions of service of a High Court Judge are governed by the Supreme Court (Salaries, Allowances and Conditions of Service of Judges) Order 1975 (S.I. No. 2 of 1975) as amended.

##### **3. Term**

Under the provisions of the Eastern Caribbean Supreme Court Order, 1967 a High Court Judge shall hold office until he attains the age of sixty-two years except in Antigua and Barbuda and Dominica where a High Court Judge holds office until he attains the age of sixty five years provided that the Judicial and Legal Services Commission acting with the concurrence of the Heads of Government may permit a Judge to continue in his office after attaining the prescribed age for a period or periods not exceeding in the aggregate three years.

**4. Salary**

The Salary of the High Court Judge, Commercial Division will be as stated in the vacancy notice. Salary and allowances are exempt from income tax.

**5. Code of Ethics**

A High Court Judge is expected to subscribe to the Eastern Caribbean Supreme Court Code of Judicial Conduct 2021.

# EASTERN CARIBBEAN SUPREME COURT

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

### GUIDE FOR REFEREES

All completed assessment forms should be sent directly to the Secretary to the Judicial and Legal Services Commission on or before **Friday, 1<sup>st</sup> July 2022.**

## PART 1

### 1. INTRODUCTION

1.2 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 and Legal Services Commission will consider him or her for an appointment to the High Court.

#### **Part 3**

This provides information on how the Judicial and Legal Services Commission 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 and Legal Services Commission asks that you adopt. It also contains **contact details** for the Secretary of the Judicial and Legal Services Commission.

#### **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 and Legal Services Commission. 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 and Legal Services Commission will appoint 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. Each application is considered solely on the established merits of the candidate alone.

#### **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, litigants in person 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 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



- 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, 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 and Legal Services Commission.

3.2 If it is not convenient to use the form supplied, please express your views in a letter. However, the Judicial and Legal Services Commission would find it most helpful if you

addressed the criteria outlined in paragraph 2.1 and included the information requested on the form.

## **Marking**

3.3. The Judicial and Legal Services Commission 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 and Legal Services Commission has emphasized that it will place more weight on particularized comments [see paragraphs 3.6-3.9] 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 and Legal Services Commission to be given a ranking of the leading candidates. The Judicial and Legal Services Commission 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 and Legal Services Commission 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 and Legal Services Commission emphasizes that the weight attributed to a referee's opinions will depend on how particularized they are and how close referees are to the sources of their information.
- 3.8 The Judicial and Legal Services Commission 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 and Legal Services Commission 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 provide reasons in support.

### **Allegations of Misconduct**

- 3.10 The Judicial and Legal Services Commission requests that referees' views should be expressed fully and frankly. Any reservations and recommendations should also be indicated. In considering the views that are expressed the Commission will attach no weight to unparticularized allegations of misconduct. The Judicial and Legal Services Commission 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 Commission will therefore seek the referee's consent to send details of the allegation to the applicant, to enable him or her to comment on the allegation.

If consent is not given to reveal details of any specific allegations of misconduct to the applicant concerned, the Judicial and Legal Services Commission will disregard the allegation when considering the results of the consultation.

- 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 and Legal Services Commission 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 and Legal Services Commission on or before **Friday, 1<sup>st</sup> July 2022**.
- 3.13 You may return your completed signed assessment forms by hand delivery, post, courier or scanning and emailing to [jpsc@eccourts.org](mailto:jpsc@eccourts.org). 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 and Legal Services Commission 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 and Legal Services Commission at the following address:

**The Secretary  
Judicial and Legal Services Commission  
Heraldine Rock Building  
The Waterfront  
P.O. Box 1093  
Castries  
SAINT LUCIA**

**Tel No.** 758 457 3600  
**Fax:** 758 457 3601  
**Email:** [jpsc@eccourts.org](mailto:jpsc@eccourts.org)

Please note that all written communication should be submitted electronically via email **under confidential cover**.

# EASTERN CARIBBEAN SUPREME COURT

*(Please have regard to the marking scales on page 8)*

## REFEREE ASSESSMENT FORM

Name of Referee:

Name of Applicant:

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

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### 2. PLEASE USE THE FOLLOWING CATEGORIES TO EVALUATE THE APPLICANT:

Detailed Comments:

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|---|---|
| <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> | <p style="text-align: center;"><b>High Level of<br/>Understanding of the<br/>Principles of Law and<br/>Jurisprudence</b></p> <p style="text-align: center;">1 2 3 4 5</p> <p>Unable to State <input type="checkbox"/></p> |
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Detailed Comments:

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**Intellectual and Analytical Ability**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Decisiveness**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Listening and  
Communication Skills**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Authority and Keeping  
Abreast of Legal  
Developments**

1 2 3 4 5

Unable to State



Detailed Comments:

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**Integrity**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Fairness**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Understanding People and Society**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Maturity and Sound Temperament**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Courtesy and Humanity**

1 2 3 4 5

Unable to State

Detailed Comments:

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**Commitment**

1 2 3 4 5

Unable to State

