



EASTERN CARIBBEAN SUPREME COURT

VACANCY NOTICE

Suitably qualified applicants are invited to fill the position of:

JUSTICE OF APPEAL

To be based at the Headquarters of the Eastern Caribbean Supreme Court in Saint Lucia. Applicants will hear appeals in all Member States and Territories of the Eastern Caribbean Supreme Court in accordance with the Schedule of Sittings of the Court of Appeal.

Applicants for the position of Justice of Appeal must (a) be or have been for a period or periods amounting in the aggregate to not less than 5 years 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 (b) be qualified to practise as an advocate in such a court, and has so practised for a period or periods amounting in the aggregate to, not less than 15 years.

Applicants are also expected to possess a high level of personal integrity and if successful are expected to subscribe to the Code of Ethics of the Judiciary of the Eastern Caribbean Supreme Court.

SALARY: Remuneration package available upon request.

Interested persons may download an application package from the Eastern Caribbean Supreme Court's Website - www.eccourts.org or request in writing from:

The Secretary
Judicial and Legal Services Commission
P. O. Box 1093
The Waterfront
Castries
Saint Lucia, West Indies
Telephone: [758] 457-3600
Email: jpsc@eccourts.org

Deadline for receipt of applications: **Friday, 26th November 2021.**

Note: Only suitably qualified applicants will be acknowledged.

The Commission does not bind itself to make an appointment from among those persons who apply.

EASTERN CARIBBEAN SUPREME COURT

Application for Appointment as Justice of Appeal

Closing Date for Applications:
Friday, 26th November 2021

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

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.

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 certified 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: _____

Business Address: _____

Business Telephone Number: _____

Business Fax Number: _____

Business E-mail: _____

Home Address: _____

Personal Telephone Number: (h) _____ (m) _____

Personal Fax Number: _____

Personal E-mail: _____

Mailing Address:

[if same as business or
personal, please indicate]

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

Business _____ Personal _____ Mailing _____

Please indicate 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 _____

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] Bar Admissions

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		

Section C - Judicial Experience

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]

-
-
-
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. **Please provide no more than two copies of what you consider to be your best judicial writings or judgments.**
-



Section D - General

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]

2. Have you ever been adjudged bankrupt, 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]

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]

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]

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]

6. List in chronological order commencing with the most recent, the 10 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 information by which any written judgments could be accessed.

7. If you currently hold or have held judicial office, list the 10 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. Continue on a separate sheet, if necessary.

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 Justice of Appeal? No Yes [Please give details below]

E. Consultation

Please include here the names, email addresses and contact numbers 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. *[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 Court of Appeal, 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.

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.

Signature: -----

Date: _____

EASTERN CARIBBEAN SUPREME COURT

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

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 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 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 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 To be eligible for appointment as a Justice of Appeal, an applicant

[a] must have either:

- [i] he or she has been for a period or periods amounting in the aggregate to not less than 5 years 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 15 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 of 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.

[c] A sound understanding of the functions of the Court of Appeal.

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 while having due regard to the views of other members of the panel.

[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.

[g] Team Player

Must have the ability to work within a team environment.

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 Persons to be consulted (referees) will include the Judges of the Eastern Caribbean Supreme Court, constituent Bar Associations, the OECS Bar Association and persons nominated by the applicant. For applicants outside the OECS, consultation in the relevant territory will be with the Judiciary through the Chief Justice and with relevant professional Associations.
- 4.6 No single referee's view of an applicant is decisive.
- 4.7 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, JLSC directly and not through the applicant. Failure to comply with the instructions will result in the reference being rejected.

Allegations of misconduct

- 4.8 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.

- 4.9 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

- 4.10 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 Secretary of the Judicial and Legal Services Commission and from the Court's website: www.eccourts.org
- 5.2 Your signed application form may be hand delivered to the Office of the Judicial and Legal Services Commission, or sent by post, courier, or scanned and emailed provided that it gets to the Secretary of the Commission by the deadline date. If you send your application by post, you should allow enough time for delivery before the deadline identified above.

Acknowledgement of an Application

- 5.4 Applicants will receive a receipt acknowledgement via email once their application is received by the Secretary, 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 certified copy of the Biodata Page of your Passport along with a certified copy of your Birth Certificate as well as certified copies of all relevant academic certificates or official transcripts must 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 of 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 **up 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 applicants.

Withdrawal

- 5.10 You may withdraw your application for the position of Justice of Appeal at any time by writing to the Secretary of 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 under confidential cover to the Secretary of the Judicial and Legal Services Commission at the following address:

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

Tel No. 758 457 3600

Email: jlsc@eccourts.org

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

PART 4

ANNEX A

GUIDE FOR APPLICANTS OFFICE OF JUSTICE OF APPEAL 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 Justice of Appeal will be based at the Headquarters of the Eastern Caribbean Supreme Court in Saint Lucia and will be required to hear appeals in all Member States and Territories within the jurisdiction of the Eastern Caribbean in accordance with the Schedule of Sittings of the Court of Appeal. The terms and conditions of service of a Justice of Appeal 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. Tenure

Under the provisions of the Eastern Caribbean Supreme Court Order, 1967 a Justice of Appeal shall hold office until he attains the age of sixty-five [65] 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 remuneration package for a Justice of Appeal is available upon request from the Secretary of the Judicial and Legal Services Commission.

5. Pension Terms

A Justice of Appeal is currently entitled to pension in accordance with the provisions of the Eastern Caribbean Supreme Court [Rates of Pension] [Judges] Act 1989 or the National Pension legislation of the State to which he/she is assigned for pension purposes. New Pension legislation for Judicial Officers of the Eastern Caribbean Supreme Court is expected to be implemented in the future. If you are unsure whether you will be entitled to a pension if appointed or if you have any questions about the current or future pension legislation for Judicial Officers of the Eastern Caribbean Supreme Court, please communicate with the Secretary of the Judicial and Legal Services Commission, who will be able to assist you.

6. Code of Ethics

A Justice of Appeal is expected to subscribe to the Code of Judicial Conduct of the Eastern Caribbean Supreme Court.

EASTERN CARIBBEAN SUPREME COURT

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Part 3

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

Part 4

This contains **Annex A**: an outline of the **terms and conditions** of Justices of Appeal.

- 3.2 **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

- 3.1 To be eligible for appointment as a Justice of Appeal, an applicant

[a] must have either:

[i] he or she has been for a period or periods amounting in the aggregate to not less than 5 years 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 15 years.

[d] 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.

[e] 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.

4.2 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.

2.4 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary of the Judicial and Legal Services Commission, who will be able to assist you.

3. CRITERIA FOR APPOINTMENT

4.1 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

[d] A high level of understanding of the principles of law and jurisprudence.

- [e] A comprehensive knowledge of the rules of evidence and of court practice and procedure.
- [f] A sound understanding of the functions of the Court of Appeal.

Skills and Abilities

[b] 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;
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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 while having due regard to the views of other members of the panel.

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[c] Understanding of people and society:

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- Displaying a maturity of attitude and approach; and
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[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.

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- 6.7 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 and Legal Services Commission of any changes to the information supplied under this heading.

Names for Further Consultation

- 6.8 The Judicial and Legal Services Commission invites you to provide the names and professional addresses of **up 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

- 6.9 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 applicants.

Withdrawal

- 5.13 You may withdraw your application for the position of Justice of Appeal at any time by writing to the Secretary of the Judicial and Legal Services Commission.

Health Issues

- 5.14 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

- 5.15 All communication and enquiries in relation to your application should be forwarded under confidential cover to the Secretary of the Judicial and Legal Services Commission at the following address:

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

Tel No. 758 457 3600

Email: jlsc@eccourts.org

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

PART 4

ANNEX A

GUIDE FOR APPLICANTS OFFICE OF JUSTICE OF APPEAL OUTLINE OF TERMS AND CONDITIONS

7. 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.

8. Terms and Conditions

A Justice of Appeal will be based at the Headquarters of the Eastern Caribbean Supreme Court in Saint Lucia and will be required to hear appeals in all Member States and Territories within the jurisdiction of the Eastern Caribbean in accordance with the Schedule of Sittings of the Court of Appeal. The terms and conditions of service of a Justice of Appeal are governed by the Supreme Court (Salaries, Allowances and Conditions of Service of Judges) Order 1975 (S.I. No. 2 of 1975) as amended.

9. Tenure

Under the provisions of the Eastern Caribbean Supreme Court Order, 1967 a Justice of Appeal shall hold office until he attains the age of sixty-five [65] 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.

10. Salary

The remuneration package for a Justice of Appeal is available upon request from the Secretary of the Judicial and Legal Services Commission.

11. Pension Terms

A Justice of Appeal is currently entitled to pension in accordance with the provisions of the Eastern Caribbean Supreme Court [Rates of Pension] [Judges] Act 1989 or the National Pension legislation of the State to which he/she is assigned for pension purposes. New Pension legislation for Judicial Officers of the Eastern Caribbean Supreme Court is expected to be implemented in the future. If you are unsure whether you will be entitled to a pension if appointed or if you have any questions about the current or future pension legislation for Judicial Officers of the Eastern Caribbean Supreme Court, please communicate with the Secretary of the Judicial and Legal Services Commission, who will be able to assist you.

12. Code of Ethics

A Justice of Appeal is expected to subscribe to the Code of Judicial Conduct of the Eastern Caribbean Supreme Court.

EASTERN CARIBBEAN SUPREME COURT

APPOINTMENT TO THE OFFICE OF JUSTICE OF APPEAL

GUIDE FOR REFEREES

All completed assessment forms should be sent directly to the Secretary of the
Judicial and Legal Services Commission to reach him by:
Friday, 26th November 2021.

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 Court of Appeal.

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 even though 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.
- [c] A sound understanding of the functions of the Court of Appeal.

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 and case management skills, 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.

[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 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.

[g] **Team Player**

Must have the ability to work within a team environment.

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:

- [1] Not suited for appointment
- [2] Not yet suited for appointment
- [3] Suited for appointment
- [4] Well 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 overall [4] marking of “Well suited for appointment”.

Comments

3.6 The Judicial and Legal Services Commission emphasizes that comments on an applicant’s suitability or otherwise for appointment to the Court of Appeal must be fully supported by detailed reasons.

Any comments on an applicant’s suitability or otherwise for appointment to the Court of Appeal 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 to reach him on or before **Friday, 26th November 2021**.
- 3.13 You may return your completed signed assessment forms by hand delivery, post, courier or scanning and emailing to jlsc@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, WEST INDIES**

Tel No. 758 457 3600
Email:jlsc@eccourts.org

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

EASTERN CARIBBEAN SUPREME COURT

(Please have regard to the marking scales on page 8)
APPOINTMENT TO THE OFFICE OF JUSTICE OF APPEAL

REFEREE ASSESSMENT FORM

Name of Referee:

Name of Applicant:

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

2. PLEASE USE THE FOLLOWING CATEGORIES TO EVALUATE THE APPLICANT

Detailed Comments:	High Level of Understanding of the Principles of Law and Jurisprudence
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Comprehensive knowledge of the rules of evidence and of court practice and procedure 1 2 3 4 5 Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Sound Judgment 1 2 3 4 5 Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Intellectual and Analytical Ability
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Decisiveness
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

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Detailed Comments:	Listening and Communication Skills
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Authority and Keeping Abreast of Legal Developments
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

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Detailed Comments:	Integrity
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Fairness
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

<hr/> <hr/> <hr/>

Detailed Comments:	Understanding People and Society
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	1 2 3 4 5 Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Maturity and Sound Temperament
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	1 2 3 4 5 Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Courtesy and Humanity
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Detailed Comments:	Commitment
	1 2 3 4 5
	Lowest to Highest
	Unable to State <input type="checkbox"/>

Any additional comments:-

Overall Marking
1 2 3 4
Unable to State <input type="checkbox"/>

Kindly provide, on a separate sheet, reasons for your overall assessment

Signature: _____

Date: _____

Marking Scales

Criteria

- [5] Not demonstrated
- [6] Insufficiently demonstrated
- [7] Demonstrated
- [8] Well demonstrated
- [9] Very well demonstrated

Overall Mark

- [1] Not suited for appointment
- [2] Not yet suited for appointment
- [3] Suited for appointment
- [4] Well suited for appointment