



THE COURT OF APPEAL FOR BERMUDA

CIVIL APPEAL No. 14 of 2012

Between:

LEYONI JUNOS

Appellant

-v-

THE BANK OF BERMUDA (HSBC)

Respondent

Before: Auld, R, Acting President *
Forte, Ian A.J.A.
Dangor, Patricia A.J.A.

Date of Application:

11 June 2013

Date of Ruling:

11 June 2013

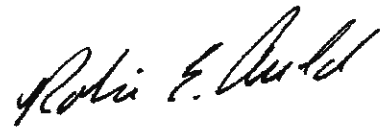
RECUSAL RULING

1. Ms LeYoni Junos, the unrepresented appellant in this appeal listed before the Court today, applied before opening her appeal for me, Auld, JA, to recuse myself from hearing the matter on account of my dishonesty and actual or apparent bias, lack of attention, competence and accuracy in my conduct of a previous appeal before the Court. She relied upon the contents of an affidavit sworn by her and served in the Court and on the Respondent Bank a few minutes before sitting of the Court this morning.
2. Her allegations of dishonesty and bias in earlier proceedings before Bermuda Courts in this matter, which she elaborated and added to in open Court today, included variously corresponding allegations against,

* Appointed by operation of law under the proviso to section 3 (2) of the Court of Appeal Act 1964.

amongst others, the President of this Court Mr. Justice Zacca, Mr. Justice Austin Ward, Mr. Justice Greaves, and Chief Justice Kawaley and also the Registrar of the Court and her staff.

3. The Court, after hearing and considering submissions from Ms Junos and Mr Marshall, counsel for the Bank, have concluded that her allegations and their effect have not met the test of bias or apparent bias calling for recusal. That test is whether Ms Junos' allegations and the circumstances of their making "would lead a fair-minded and informed observer to conclude that there is a real possibility that I would be biased by reason of my previous appellate involvement in the matter".
4. For the reasons advanced by Mr Marshall in his considered submissions to the Court today, all of which are a part of the Court Record and available on application to the Registrar, we are confident that Ms Junos has not satisfied that test. It would be invidious for the Court, at this stage, to say more. Accordingly, the Court, as presently constituted, should continue to hear Ms Junos' appeal.



Justice Robin Auld, Acting President *

* Appointed by operation of law under the proviso to section 3 (2) of the Court of Appeal Act 1964.