

# EASTERN CARIBBEAN SUPREME COURT

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

Closing Date for Applications:  
**14<sup>th</sup> September 2018**

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

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

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

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

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

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

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

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

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

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

Please indicate the address to  
be used for correspondence  
relating to this application:    Business \_\_\_\_\_ Home \_\_\_\_\_

Please indicate with an *x* your appropriate status:

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

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

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

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**Section B – Educational and Professional 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 (<i>Please state class, if any</i>)</b>

**[2] Professional/Legal Training**

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

**[3] Admission to the Bar**

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

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

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


**[5] Professional Experience**

Please give details of your professional experience 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
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]

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]

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]

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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. 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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**E. Consultation**

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

NAME	STATUS	ADDRESS

**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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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  
JUDGE OF THE HIGH COURT**

**GUIDE FOR APPLICANTS**

# CONTENTS

## PART 1

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

## PART 2

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

## PART 3

- |    |                       |   |
|----|-----------------------|---|
| 5. | Making an Application | 8 |
|----|-----------------------|---|

## PART 4

- |         |   |    |
|---------|---|----|
| Annex A | Outline of the terms and conditions<br>of High Court Judges | 10 |
|---------|---|----|

## PART 1

### INTRODUCTION

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

#### **Part 1**

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

#### **Part 2**

This outlines the **eligibility requirements** and the **criteria** applicants must satisfy before the Judicial 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 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 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 to the Commission by the deadline date. If you do send your application by post, it must be post-marked on or before the deadline date.

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

- 5.4 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 **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 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 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:** [jlsc@eccourts.org](mailto: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 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. **Tenure**

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 Code of Ethics of the Judiciary of the Eastern Caribbean Supreme Court.