



REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

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Statement by the Regional Judicial and Legal Services Commission in response to recent Publications

The public attack by Dr. Leighton Jackson on the Caribbean Court of Justice ('the CCJ') and on the Regional Judicial and Legal Services Commission ('the RJLSC'), is without foundation. The RJLSC is responding to set the record straight and to protect the Court, which is much larger and more important than the personalities involved.

1. The Status of Dr. Jackson's Engagement at the Court

Dr. Jackson did not go through any recruitment or selection process at the Court, but was seconded by UWI at Mona through the office of the Vice Chancellor for technical assistance and as a symbolic expression of cooperation between two regional institutions. The period was for one (1) year and was to end no later than 31 August 2014 as stated in a letter from the Dean of the Law Faculty dated 14 June 2013. By document dated 26 July 2013 Dr. Jackson agreed to an arrangement with the Regional Judicial and Legal Services Commission to serve as Legal Officer in the office of the President for the year. On 24 October 2013 he executed another agreement with the RJLSC to serve as acting Registrar until the end of his tenure or until another Registrar was appointed, whichever was earlier.

2. Dr. Jackson was not Dismissed

- a. By letter dated 22 April 2014 the Dean of the Law Faculty wrote the President of the CCJ a letter which included: "I have advised Dr. Leighton Jackson that our circumstances in the Faculty of Law, UWI, Mona, now require his detailed and complete attention and that it is now necessary for him to return to his full duties. I will therefore be grateful if you would arrange for Dr Jackson to be relieved of his responsibilities to the CCJ in a manner and time convenient to both of you".
- b. By letter dated 25 April 2014, the Human Resources Manager of the Commission, based on Dr. Jackson's request, wrote to the President of the Court and to the Dean of UWI Mona, informing them that "Dr. Jackson has indicated his wishes to terminate his services with the CCJ by May 18, 2014."

3. The alleged incident with the Driver, Mr. Garth Jerry

- a. It is not true that Mr. Garth Jerry was disciplined or dismissed from the Court. He is still in its employ as a Driver. In light of Dr. Jackson's misleading statement that he was a "floating" Driver, it is important for the public to know that ever since Dr. Jackson took up his assignment in July 2013, the Court provided him with a car and with a Driver in the person of Mr. Garth Jerry who was specifically attached to him as his personal Driver for the entire duration of his tenure.
- b. It should be noted that the RJLSC's decision to provide the Judge with an allowance to allow him to hire a driver of his choice, is not unique; it is consistent with the CCJ Judges'

terms and conditions of tenure and as well as to Judges of the High Court of Trinidad and Tobago.

- c. In view of the nature of the allegations against the Judge, to whom Mr. Gerry had previously been assigned, it should be readily appreciated that it would not be proper for the Commission to make any public statements on this matter before it has had the opportunity to examine the evidence and circumstances.

4. Other False Allegations of Dismissals and Suspensions

- a. The President of the Court took great care to keep issues relating to the Financial Comptroller confidential. The RJLSC heard and determined the matter within a week. The Commission ordered that the suspension be discontinued and that the charge against him be set aside.
- b. All of the other allegations are false.
 - i. The former Court Executive Administrator ('the CEA'), Master Christie-Anne Morris-Alleyne, entered into a written agreement drawn up by her lawyers who negotiated with Mr. Jewan Singh, an Industrial Relations Consultant engaged by the Commission and the Court.
 - ii. The former Registrar, Ms. Paula Pierre, voluntarily decided to demit office and the Commission facilitated her incorporation in a Staff Pension Plan under which she became a retiree. Subsequent to her demitting office she was the recipient of a plaque of recognition for her long and dedicated service to the Court and to the Commission.
 - iii. The former Deputy Registrar, after unsuccessfully applying for secondment to the CARICOM Competition Commission (CCC), resigned in January 2013 to take up that appointment. On conclusion of her tour of duty at the CCC she formally applied to be reemployed at the CCJ.
 - iv. The former Facilities and Assets Manager, Mr. Vaughn Halliday, resigned effective April 13, 2014, to take up a position at the Central Bank of Trinidad and Tobago. In his letter of resignation addressed to the President of the Court and Chairman of the Commission he stated: "I wish to take this opportunity to express my gratitude to the Court for the support and opportunities I have been provided during my eight years of service. It has been a remarkable experience that has contributed to both my personal and professional development."
 - v. The former acting Registrar, Dr. Jackson – his position has already been clarified.

5. The False Allegation of Hand-picked Appointment of the Registrar

- a. The RJLSC published a Notice throughout the region inviting applications to fill the vacancy for the position of Registrar from April 17 to April 30, 2014. There were nine (9) applications from five (5) CARICOM States. There was a competitive process, including interviews by the RJLSC. The successful candidate was Ms. Jacqueline Graham of the Cooperative Republic of Guyana.
- b. Dr. Jackson did not apply for the position.

6. The False Allegation of the Court Acting in Secret

- a.** By letter dated 21 March 2014 the President wrote to Dr. Jackson, the then Acting Registrar: "The Regional Judicial and Legal Services Commission (RJLSC) the authority responsible for the staffing and organisation structure of the CCJ, will continue to review the structure and manpower requirements of the CCJ at its meeting in April 4th 2014. In order to arrive at the best decisions for the CCJ, the Commission has scheduled briefing sessions on April 2nd and 3rd, 2014 so as to ascertain information that may be pertinent to its deliberations on the matter on April 4th 2014. In earlier discussions I had requested that you submit advice on the restructuring and would be grateful if you could do so in time for your opinion to be circulated. I would suggest a deadline of 28th March. Additionally, it would be advisable for you to be available to meet the Commissioners on April 2nd, 3rd and 4th 2014, in the event that they wish to consult with you."
- b.** Dr. Jackson did not present any written opinion and travelled to Jamaica during the period requested for consultation, instead of making himself available for this consultation.

7. The Restructuring Decisions

- a.** The President and then CEA launched the Court's 5-Year Strategic Plan (2013-2017) to the media on December 6, 2012. One of the priority actions of this Plan is to "review, clarify and where necessary adjust roles, responsibilities and lines of authority at strategic and operational levels...".
- b.** The Commission and Court having been in existence for a decade it was found that the organisational structure lacked logical coherence. It did not reflect an important principle of modern management which is that human resources management should be a distinct and separate department in the structure of an organisation.
- c.** The restructuring exercise involved a functional analysis of the Court and Commission, a rational collation of duties and responsibilities, the clear demarcation of reporting responsibilities as well as the establishment of essential specialist offices for internal auditing and human resources management, which did not previously exist. There are new specific branches for (1) communications and information, (2) finance and administration, (3) court registry and case management, (4) court security and logistics and (5) human resource management.
- d.** The Commission decided not to fill the vacant post of CEA and to realign certain of the duties performed in that office with that of the Registrar. This is in keeping with best practices in the Commonwealth for small courts. The CCJ operates in one location and has a staff of less than 100. This made the position of Deputy CEA irrelevant if not redundant. The Commission offered the incumbent an alternative position and has been receiving and considering representations from her attorneys on the matter. The Commission is now awaiting the convening of a further meeting on this matter. No term and condition of service or job description of any other employee has been altered although some reporting relationships have been changed.

- e. Meanwhile, certain managers have challenged the jurisdiction and power of the RJLSC to deal with certain personnel and establishment matters. Their contention is contrary to the express provisions of the Regional Agreement Establishing the Court and the Caribbean Court of Justice legislation. The RJLSC responded in writing (a copy of which is attached).
- f. This restructuring exercise is also linked to an effort to introduce a comprehensive financial regulatory framework and to elevate accountability to international standards. The Commission has accepted advice from the internationally renowned firm of PricewaterhouseCoopers (PwC) and has been acting on it. The implementation of PwC's advice began some time ago. There have been studies and reports (commissioned separately by the Court and the RJLSC), which support the PwC's recommendations.
- g. Some managers have greeted these efforts of reform directed at financial accountability with hostility.
- h. There is no industrial relations dispute at the Court or with the Commission other than the challenge by some managers to the authority of the RJLSC in respect of human resources management and the restructuring decisions. Despite the behaviour of these managers, the RJLSC and the CCJ have been kept waiting for an opportunity to meet further with their legal representatives.

8. Judicial Performance of the Court

- a. The Court has not allowed the objections and false representations to distract it from its core functions. Fortunately, there are resolute, competent and loyal staff members who have been carrying the burden efficiently. The Commission notes that during the period, between January and July 2014, the Court has delivered more judgments than it did for the entire year of 2013 and in fact for any previous year in the history of the Court.

9. Financial Sustainability of the Court

- a. The reports published by the Trust Fund at the end of the last financial year have demonstrated that the balance of the Fund was approximately the same as the starting balance after funding all of the Court's operations from its inception.
- b. No credence should therefore be attached to the warnings by Dr. Jackson of problems relating to the financial or other sustainability of the Court.



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