



Graduation Ceremony of the Institute of Law and Academic Studies

The Honourable Mr Justice David Hayton,
Judge of the Caribbean Court of Justice

**Graduation Ceremony of the Institute of Law and Academic Studies,
Chaguanas, University of London International LLB**

Paria Suites Hotel, South Trunk Road
La Romain, Trinidad and Tobago
12 January 2014

The University of London was established by Royal Charter in 1836 for the public benefit and is recognised globally. Throughout our long history, the University has offered access to a wide range of academic opportunities. As a world leader in higher education, the University has pioneered change in the sector.

Remarks

By

The Honourable Mr Justice David Hayton, Judge of the Caribbean Court of Justice,

on the occasion of

**The Graduation Ceremony of the Institute of Law and Academic Studies, Chaguanas,
University of London International LLB**

12 January 2014

Honoured parents and guests, members of the staff and administration, graduates

I am honoured to share this special day with you. I am particularly pleased to be here to help celebrate the award of London University degrees since from 1992, 1995 I was Chair of the London University Board of Studies in Law responsible for the LLM degree and the external London University LLB degree. Today is a special day for the graduates celebrating the successful completion of their LLB degree. It is also a special day for all those who contributed to this success - parents, teachers, administrators and friends.

The completion of the LLB degree is, however, the beginning of a new daunting era for which the degree should be a springboard. It is also a step on the way to finding “the highest, truest, expression of yourself as a human being”, as Oprah Winfrey once said at a graduation ceremony.

We only have one lifetime in which to develop our personal relationships, contribute to our communities and journey towards success, whatever that may be. These activities require action, sailing on the waters of life, perhaps having a fair wind, perhaps having to tack against the wind, but not staying at anchor or idly drifting with the tide. You have to shape your own destiny but it should not be about “Me, me, me.”

Humans do not exist in isolation but develop through their connections with others, starting with the family unit, but continuing into a work unit and operating within a community. Your LLB degree proves that you have the intelligence and perseverance to sustain a happy family unit and a profitable work unit. Both require honesty and integrity, putting yourselves into the shoes of others, living by the golden rule, “Do unto others as you would have them do unto you.” This will engender love and respect and more people prepared to do business with you.

You must, however, look beyond your family or work unit because it is inextricably linked with, and so affected by, the community within which it operates. Graduates in general, privileged by their brains and education have a major role to play in developing a community with better values and a more efficient use of resources.

Columnists and letter-writers in Trinbagonian newspapers, the T & T Manufacturers’ Association and the T & T Chamber of Industry & Commerce are full of the need to tackle corruption as evidenced by the poor rankings of Trinidad & Tobago in the Transparency International Institute’s Corruption Perception Index and the Global Financial Integrity’s Report on Illicit Financial Flows from Developing Countries. These writers and bodies have indicated that corruption may take many forms. It may consist of not appointing on merit but of appointing cronies to senior management positions to the detriment of efficient management; or of a third-rate contractor obtaining a contract that is fulfilled unsatisfactorily; or of a corrupt official or businessman taking for himself or herself what should directly or indirectly enure for the benefit of the community, thereby prejudicing the community. It has, indeed, been pointed out that such corruption affects the community’s moral pendulum. If the “smart” white-collar guys can get away with their corrupt practices the penurious members of an underclass do not see why they should not get away with some simple thieving, drug-dealing, rapes and murders, the macho equivalent of being “smart”.

Graduates like yourselves need to take the lead in helping the community to tackle crime and corruption. Things can only get worse if people shrug their shoulders, accepting corruption as normal and according respect to people indulging in “smart” practices to get rich quick. Graduates need to lead not only by example but by involving themselves in current debates about comprehensive legislation on transparent tendering or campaign financing or ways to tackle violent or white-collar crime. All that corruption needs to spoil the lives of most Trinbagonians is for people of good conscience to remain silent. This is an adaptation of Edmund Burke’s statement, “All that tyranny needs to obtain a foothold is for people of good conscience to remain silent.”

After such philosophising what about putting your LLB to good use in developing a rewarding career? You have done well getting your LLB but this is not an end in itself: it’s a booster stage for your working life. One obvious progression is to go on to a vocational course at a Law School such as the Hugh Wooding Law School in Trinidad, though there are significant difficulties obtaining a place at a Law School when you do not have a University of West Indies LLB. Even if you qualify as an attorney-at-law, there are far many more persons qualifying than there are jobs for qualified attorneys in private practice or government service. If you do not obtain such jobs then you will be in a similar position to those LLB graduates not qualified as attorneys. You will have to pursue other careers that will enable you to make good use of the analytical and problem-solving skills that you have acquired in your legal studies. Such other careers may or may not require further qualifications. You may, for example, consider working in a bank, the police force, the court service, Statutory bodies or State enterprises, or industry or as a corporate secretary, human resources executive, accountant, revenue or customs official or teacher.

What my life has usefully taught me - and so I will pass it on to you - is that whatever course your career takes, you will, however, need to develop as much “iron in the soul and fire in the belly” as

you can to do your best. You will have to persevere through times when there may be drudgery or boredom or fatigue or when you make a mistake – but no-one ever made anything who did not at some stage make a mistake, so it is part of the learning process. You may even be a failure at some time, yet turn out to be a success. It all depends on how you respond to failure. My own life story is an extreme example of this.

Thirteen of us schoolmates at Newcastle Royal Grammar School stayed on into a 3rd year Sixth Form in order to try to win admission to Oxford or Cambridge Universities. My new headmaster regarded me as a star who ought not to take the interview entry route to a College to whom the school regularly supplied students, but should apply to win a scholarship to read Law at some College with which the School had no connection, but which would then have a connection to benefit the school in future years. I did not get a scholarship and so was the only one of the thirteen to fail to win admission to Oxbridge. The bottom fell out of my world as I considered myself a martyr to the ambition of my new headmaster.

After all, for five years everyone had confidently assumed I would go to Oxbridge.

The following year I was pleased for my cousin that he won a place at Jesus College Cambridge, but could not help being personally irritated that he had become the first family member to win an Oxbridge place.

Anyhow, mad with the world after my Oxbridge failure I went to the local University, Newcastle University, and was a very aggressive rugby player, having had three years as an ever-present on my school 1st XV and two years on the Northumberland Under 19 XV. But I was going to show them all that I was not a failure, destined only to become a family solicitor in Newcastle, though my parents made the good point that this would be a very worthwhile career and significantly indicated that it was most unlikely that their finances could stretch to supporting me to become a

London barrister. Nevertheless, I would show them all. I aimed to be top at Newcastle and then I would beat the blasted Oxbridge law students by being top in the Bar exams and I would practise as a London barrister. This would require renting accommodation and doing a year's pupillage in London (paying a pupil-master 100 guineas, £105, for the privilege) and earning little in the first couple of years at the Bar. Thus, I would need to get some sort of job after graduation for, say, three years, in which to save money to support myself in developing a practice at the Bar.

I surprised even myself because I did so well in my second year exams of the three year LLB and in mooting (acting as counsel in hypothetical appeals) that in my third year my Professor told me I should apply for a law lectureship to take up after I graduated. The first lectureship advertisement was at Sheffield University and I had a piece of good luck that appeared at first to be bad luck. My train was late so that I was late for the lunch that the six interviewers were having with the six interviewees before the formal interviews. Very flustered, I sat down in the empty seat and was quickly introduced to those round the table, but I did not register any of their names.

I began talking to the guy on my right and, for some reason, gained the impression that he was Dr Fridman, a specialist in commercial and employment law. Thus, I kept away from those subjects and turned the conversation to trusts law because he ought to remember very little of it from his student days over 20 years earlier. I was most surprised how much trusts law he had remembered but felt confident to debate certain points with him. When I returned to Newcastle I told my professor how I was most impressed by Dr Fridman's knowledge of trusts law. He asked me to describe him and then told me that that was not Dr Fridman but Professor Roy Marshall, the trust law professor and Dean of the Law Faculty! Incidentally, he later became Vice Chancellor of the University of the West Indies as Sir Roy Marshall. If I had known that I was sat next to Professor

Marshall I would have been tongue-tied at lunch. As it happened, I impressed him and got the job. I graduated LLB 1st Class Hons with the Rennoldson Memorial Prize for topping the year.

In those days you could study for the Bar exams on a full-time course or prepare privately. I prepared privately while lecturing at Sheffield University and came top in the Bar Finals, obtaining a money prize and a valuable scholarship. I then did pupillage and obtained a tenancy in chambers in Lincoln's Inn. I had achieved my goal. Indeed, a few years later I became a Law Fellow at Jesus College Cambridge, so remedying the burning sense of injustice I felt over not having become a student at Oxbridge.

Of course, attaining those goals was an achievement against tremendous odds – I still have to pinch myself to check it was real, like becoming a Judge of the Caribbean Court of Justice. The important point, however, is that even if I had fallen short of my goals I would have been much better equipped for life than if I had merely accepted mediocrity, simply doing enough to get by at an average level.

Indeed, the major reason for my being offered the Jesus College Fellowship was that I had not been idle during the early quiet years at the Chancery Bar. I went the extra mile to develop my skills and knowledge and to get my name known so as to attract more clients. Having written an opinion on a tricky matter concerning restrictive covenants over land I went on to write a comprehensive article on restrictive covenants in the 1971 Law Quarterly Review. In 1972, having written an opinion on a registered land matter, I went on to write a book, "Registered Land", because the books on Land Law or Real Property then only had about ten pages at the end about this 1925 system which extended only to a small part of England, though it rapidly developed in the 80's.

To achieve this I had a “To do List” setting out short term items, to be regularly ticked off, and long-term items. I have continued this throughout my career as crucial to my success in getting things done and so I recommend this procedure to all of you. For some items you will need to have strict deadlines to be achieved at all costs and for other items target deadlines as to which there is some leeway.

I also recommend that you develop and keep to a routine for consistently dealing with non-work activities such as community activities, playing tennis or squash, playing bridge or other card games, indulging in aerobic activities. I am a great believer in a fit mind working better in a fit body.

Whatever you do, as my mother, a schoolteacher, used to tell me, “If a thing is worth doing it is worth doing well” and there are so many things you are going to have to do in seeking the highest, truest expression of yourself in your lifetime. If you find life difficult at times you may find it helpful to read Kipling’s poem, “If”. I won’t read all of it, just the majority.

IF you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating, And yet
don't look too good, nor talk too wise:

If you can dream - and not make dreams your master;

If you can think - and not make thoughts your aim;

If you can meet with Triumph and Disaster

And treat those two impostors just the same;

If you can bear to hear the truth you've spoken

Twisted by knaves to make a trap for fools,

Or watch the things you gave your life to, broken,

And stoop and build 'em up with worn-out tools...

If you can talk with crowds and keep your virtue,

Or walk with Kings - nor lose the common touch...

If you can fill the unforgiving minute

With sixty seconds' worth of distance run,

Yours is the Earth and everything that's in it, And -

which is more - you'll be a Man, my son!

“Man” you can regard if you wish in the Yiddish, German sense “Mensch”, a highly regarded person of integrity and honour.

Finally, as a non-Trini, for once I think it really is appropriate to say to you graduates, parents, teachers and administrative staff “Give yourselves a great round of applause”

Thank you, and I wish you graduates that little bit of luck you need to help you on your way. May your god go with you.