



New JURIST Project Director Appointed



Mrs. Gloria Richards-Johnson, Director, JURIST Project

The Judicial Reform and Institutional Strengthening (JURIST) Project is pleased to announce the appointment of Mrs. Gloria Richards-Johnson as Project Director.

Mrs. Richards-Johnson, an Attorney at Law, is a former deputy Attorney General and Senior Corporations Counsel for the State of California, who prosecuted complex securities and other white collar criminal crimes.

She was qualified by Civil and Criminal Courts in California as an expert in Securities Law and testified for the prosecution in major securities cases. She also served as Assistant Professor of International and Business Law at California State

University, Northridge and adjunct professor of Law at several other California universities. She is a development and international aid expert with over 20 years' experience in judicial reform, emerging market policy, electoral and regulatory reform, good governance, gender, youth, tourism and human rights.

Mrs. Richards-Johnson has designed, managed and implemented complex democracy and governance projects funded by Global Affairs Canada, the United States Agency for International Development (USAID), the European Union and other donors in the Caribbean, Africa, and the Middle East. She served on the Ad Hoc Committee of the UNODC which drafted the UN Convention against Corruption and advised governments of the Caribbean Community (CARICOM), Nigeria, Liberia, Iraq and Ghana on the establishment of legal and regulatory regimes to combat corruption, money laundering and financial crimes. She also served as Assistant General Counsel at the CARICOM Secretariat in Guyana.

One of the first architects of the JURIST Project, she collaborated with the judiciaries in the Caribbean region in drafting the Project Implementation Plan (PIP). She also served as Interim Project Manager in 2014.

On her appointment she said: "I consider it an honour and a privilege to have been selected to join the JURIST Project, as its Director. I was fortunate to have been affiliated with the Project almost from its inception. As a result, I am very seized of the issues involved and look forward to contributing to its effective implementation in a sustainable manner which would be beneficial to all stakeholders."

Mrs. Richards-Johnson earned a Master of Laws (LLM) degree (cum laude) in International and Comparative Law from the Vrije University of Brussels, Belgium, a Juris Doctorate (JD) in Law and Bachelor of Arts (BA) in Political Science from Howard University, Washington DC.

She replaces Dr. Penny Reddie, who served in the position from August, 2016 – March, 2018.

In this Issue

Dear Reader,

Welcome to Issue 9 of *JURIST News*.

In this issue, we are pleased to present the newly appointed Director of the JURIST Project – Mrs. Gloria Richards-Johnson who assumed the position on May 15, 2018. Mrs. Richards-Johnson, is an Attorney-at-Law, licensed in California and Pennsylvania, USA. She has served the State of California as Senior Corporations Counsel, Deputy Attorney General, Assistant Professor of International and Business Law at California State University, Northridge and adjunct professor of law at several other California universities. Mrs. Richards-Johnson, has been affiliated with the Project, since its inception.

We are privileged to have a joint contribution on the development of the Criminal Bench Book by the Honourable Mme. Justice Alice York Soo-Hon, JA. and the Honourable Mr.

Justice Mark Mohammed, JA. both of the Trinidad and Tobago Judiciary.

There is also a feature on the recently held Refresher Mediation Training (Court Connected Mediation) which was held in two counties in Guyana – Berbice and Demerara (Georgetown). This refresher training was the first to be held in seven years, since the mediators were trained in 2011.

Additionally, we feature an update on the establishment of the Sexual Offences Model Court in Antigua.

We hope you enjoy reading the articles in this issue. As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

- *The JURIST Project Team*

Criminal Magisterial Bench Book to provide guidance for magistrates

The Criminal Magisterial Bench Book, the first of its kind in the region, is an initiative of the Judicial Reform and Institutional Strengthening (JURIST) Project. The Bench Book project, which commenced in 2016, is led by a Criminal Bench Book Committee comprising senior judicial officers and representatives of the Caribbean Court of Justice (CCJ) and the JURIST Project. When completed, it will serve as a practitioner tool for all magistrates across CARICOM and will contribute to region-wide judicial institutional strengthening. On Saturday March 17, 2018 delegates representing the magisterial bench of the Commonwealth Caribbean, gathered at the Judicial Education Institute (JEI) in Port-of-Spain, Trinidad and Tobago, to review the draft manuscript for the Bench Book. Details of the consultation are available at <http://www.juristproject.org/news-media/news-stories/309-bench-book-can-help-improve-criminal-justice-system>

The Bench Book is a compilation of rules of procedure distilled from primary legislation, case law, policy, and significantly, the contributions and experience of judicial officers practicing in the summary jurisdiction. It includes guidance on judgement writing and giving reasons, procedures for dealing with vulnerable defendants and witnesses, sentencing options and methodology, and extradition proceedings, among others. At the close of the productive and lively consultations in March, further areas were identified for inclusion in the final publication, including guidance on the sweeping changes contemplated by the juvenile justice reform project in the Organisation of Eastern Caribbean States (OECS) and case law relevant to the

nascent regional model guidelines for handling sexual offence cases.

It must be acknowledged that summary criminal procedure varies throughout the English-speaking Caribbean. In some States, rules of procedure are exclusively prescribed in a summary criminal code, and are only developed through legislative intervention. In other States, procedure is interpreted from an assortment of legislation and developed incrementally by judicial precedent. In the space between these traditions, procedural gaps and inconsistencies flourish. An observation drawn from the delegates' contributions at the consultation on the draft manuscript, was that in some instances, judicial officers have proactively developed ad hoc systems and processes to address procedural lacunae.

The Bench Book consolidates these rules of procedure, statutory provisions, recent amendments to primary legislation, and the guidelines set out in appellate judgments from the magisterial courts, into an easily navigable, concise treatise on summary procedure that magistrates can easily refer to, regardless of the territory in which they happen to be sitting. The amalgamation of these sources of law into a single volume, makes it easy for magistrates to rapidly identify the diverse bases of their judicial decision-making powers in individual cases, and simultaneously reference case law guiding the exercise of those powers. This promotes efficiency, accuracy and consistency in decision making. The corollaries of improvements in these measures are reductions in case backlogs, saving of judicial time, and bolstered public confidence in judicial integrity.

Contributors:



**The Honourable
Mme. Justice
Alice York Soo-Hon, JA.**

**The Honourable
Mr. Justice
Mark Mohammed, JA.**

Concurrent with these performance benefits, the compilation of judicial precedents from cases across the region into one Bench Book, contributes to establishing consistent best practice in the summary courts of the Caribbean by presenting judicial officers with relevant authorities that have been tested and are accessible at a glance. In summary, it is expected that this regional Criminal Magisterial Bench Book will supplement the invaluable experience of our CARICOM magistrates and further aid them in disposing of cases justly and efficiently.

Note: The Honourable Mme. Justice Alice York Soo-Hon serves as Chair of the Criminal Bench Book Committee and the Honourable Mr. Justice Mark Mohammed is a member.

Update on establishment of Sexual Offences Model Court in Antigua

To foster stakeholder ownership and ensure sustainability, the JURIST Project established a Multi-Sector Stakeholder Committee (MSSC) for the Sexual Offences Model Court in Antigua. The MSSC is responsible for overseeing the implementation of the activities associated with the establishment and operations of the Model Court. It is made up of justice sector stakeholders who work with complainants and defendants along the justice chain for sexual offences. These include, judicial officers, court staff, prosecutors, police, bar association and health and psycho-social care providers from both government and non-governmental organisations (NGOs).

The Chair of the Committee is Ms. Rilys Adam, Prosecutor in the Office of the Director of Public Prosecutions.

The MSSC has had two meetings thus far: one in April, 2018 and the other in May, 2018. One significant outcome from those meetings was the establishment of four sub-committees assigned with specific tasks to support the establishment and operation of the court.

The sub-committees will look at the following components of the Model Court: Training and Monitoring and Evaluation (M&E), Public Education and Engagement, Case Management & Legislative Changes and Sustainability.

Each committee has produced a detailed implementation strategy, inclusive of timelines. Additionally, the MSSC also produced a Briefing Note for the Antigua and Barbuda Minister of Health to present at the Commonwealth Meeting of Health Ministers in May, 2018. The Briefing Note highlighted the JURIST Project's commitment to establish, as part of the Model Court Project, a testimony room for vulnerable complainants at Directorate of Gender Affairs.

The members of the MSSC are as follows:

Ms. Alethea Byers, Director of the Family and Social Services Division, Ministry of Social Transformation
Ms. Farmala Jacobs, Director (Ag), DoG, Ministry of Social Transformation

Ms. Rilys Adams, Office of the Director of Public Prosecutions (Chair of the Committee)

The Hon. Justice Iain Morley, Judge of the Eastern Caribbean Supreme Court (ECSC)

Ms. Sherrie-Ann Bradshaw, Vice-President of the Antigua and Barbuda Bar Association

Ms. Tmira Looby, Directorate of Gender Affairs, Ministry of Social Transformation

Ms. Raisa Charles, Directorate of Gender Affairs, Ministry of Social Transformation



Members of the Multi-Sector Stakeholder Committee (MSSC) for the Sexual Offences Model Court in Antigua, during their first meeting

Inspector Collin Hope, Royal Police Force of Antigua and Barbuda and Head of the Special Victims Unit
Ms. Alexandrina Wong, Women Against Rape
Dr Oreta Zachariah, Medical Officer, Ministry of Health
Mrs. Cecile Hill, Registrar, Antigua and Barbuda, High Court
Mr. Kayode O'Marde, Deputy-Registrar, Antigua and Barbuda, High Court
Mr. Jarid Hewlitt, Antigua and Barbuda Bar Association

Additionally, the JURIST Project in partnership with the Antigua and Barbuda High Court held consultations on May 14, 2018 with the Antigua and Barbuda Bar Association (ABBA) on the Sexual Offences Model Court. Details of the consultation are available at:

<http://www.juristproject.org/news-media/news-stories/300-jurist-project-holds-consultations-with-abba>

JURIST Project undertakes Court Connected Mediation Training

The Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with the judiciary of Guyana held two Refresher Mediation Training Workshops for Court Connected Mediation in Guyana.

The first workshop took place from May 21-22, 2018 at Little Rock Suites in New Amsterdam, Berbice and the second from May 24-25, 2018 at the Marriott Hotel in Georgetown. The workshops were conducted by Mediation Services International (MSI) Inc.

BERBICE

The Honourable Mme. Justice Mrs. Yonette Cummings- Edwards, Chancellor, Guyana Judiciary, in opening the workshop underscored the importance of mediation. She noted that the practice, which started in the 'Ancient County' (Berbice) many years ago, was an important tool that "would significantly reduce case build up."

She explained: "through mediation litigants are encouraged to work together in finding a solution to their problems. Neither party is disempowered nor is the element of enforcement present at the proceedings. This aspect of self-determination is of great value for parties and they are more likely to comply with the agreement since they had an input in it. This process is more suitable to the modern-day litigant who is more involved and wishes to be an active participant in the resolution process."

The Chancellor added that Guyana's new Civil Procedure Rules (CPR) 2016 makes provisions for court annexed mediation. Part 26.01 of the Rules gives the court the power to order that parties participate in mediation. Non-compliance can result in the claim being dismissed where the claimant does not appear at mediation, or the defence being struck out when the defendant does not appear.

"Sometimes all parties want is a chance to be at a forum where they can ventilate all of their issues and grievance. It offers parties the ability to be heard without any limitations. This is especially important in family disputes. As such, mediation has proven to be the better alternative in such scenarios," she stated.

Ms. Jamela Ali, Attorney-at-Law, Mediator and Director, MSI pointed out that in 2011, a group of persons were trained as mediators in Berbice. However, she said that while Berbice is not as litigious as Demerara, it is concerning that mediation in Berbice has almost been non-existent. "Mediators have not been given the opportunity to utilise their skills. The Mediation Centre - which is not only a new building, but much nicer and more equipped than the Georgetown Mediation Centre - has been under-utilised since its opening in September, 2014," she lamented.

She added that since interest in mediation in Berbice has been low key, it is not surprising that in 2018, the number of mediators have dwindled, for various reasons. Ms. Ali continued "but what is of significance is that mediation seems not to have been developed or encouraged in Berbice and mediators are not given much opportunity to utilise the skills they acquired since 2011.

It is against this backdrop, that the judiciary of Guyana along with the JURIST Project decided to embark on the refresher training, so that all mediators on the roster would be able to sharpen their skills. It is hoped that through the training, that all mediators would take away substance that would greatly assist in the conduct of their mediations.

Mr. Colin Chichester, Mediation Coordinator, Guyana Judiciary in an overview of mediation locally, stated that in 2003, only attorneys were involved in mediation, with 25 persons being trained and appointed to the panel of mediators. However, the panel of trained mediators was subsequently broadened with the training of an additional 50 persons, and included surveyors, social workers, teachers and other individuals.

He provided some statistics and noted that since its introduction, 880 matters have been referred to mediation - 772 were recommended by the court, while 108 came from attorneys or were client directed. A total of 48 matters were settled before mediation, 228 unsuccessfully mediated and 338 partially mediated (some issues resolved but case referred to trial) and 95 matters referred for mediation, but subsequently returned to trial prior to mediation.



A glimpse of the training in Berbice

GEORGETOWN

The Guyana courts must continue to encourage persons to use Alternative Dispute Resolution (ADR) mechanisms. This was the view of the Honourable Basil Williams, Attorney General and Minister of Legal Affairs.

Speaking at the opening ceremony of the Refresher Mediation Workshop in Georgetown, he said all members of the legal profession who conduct litigation must discuss with their clients whether their disputes are suitable for ADR.

"The proper use of mediation has the effect of reducing the backlog of cases and allows for timelier access to justice," he explained. He added that it was also cheaper than litigation, saves money and avoids cases being continued by appeals.

Mr. Williams said awareness of mediation is absolutely necessary and training of this nature must be on-going, as it sensitises the judiciary, lawyers and the wider society on its benefits and dispels any doubts in their minds. He also appealed to the judiciary to continue to hold and support training seminars and workshops that bring awareness of mediation.

He noted that mediation training was not new to Guyana. He indicated that since mediation was introduced to the country in 2003, both himself along with 60 others have been trained as mediators.

According to the Attorney General and Minister of Legal Affairs, with the introduction of the new CPR, mediation in Guyana will significantly increase as the court may, on its own initiative or upon application, order any or all parties to a proceeding to participate in mediation.

Mr. Williams thanked both the JURIST Project and the judiciary for undertaking the training saying that in an ever changing and competitive society, the importance of continuing professional development cannot be over emphasised.

"Refresher training is needed to ensure that the skills acquired are updated and remain current. As professionals it is important to keep abreast with the different techniques available. This will enable you to be proficient in your field. Training like this exists to ensure enhancement of skills and abilities. Quality mediators are crucial to the successful development of mediation and they add to the utility of this dispute resolution tool," he emphasized.

Her Excellency Lilian Chatterjee, High Commissioner of Canada to Guyana told the gathering that the JURIST Project, which is being implemented by the Caribbean Court of Justice (CCJ), is part of Canada's larger commitment to the region. She said that Canada remains committed to the health and strength of legal systems and many are aware of the importance of mediation in resolving a number of issues such as divorce, harassment, marks of violence and violence against women, among others.

On the issue of violence against women, she said that it is one which should not be "culturally accepted." She said that as mediators, participants should sensitise parties on the process of mediation since it provides an atmosphere where people can fully understand one another. The High Commissioner congratulated the

Mediation Training cont'd from page 3.

local judiciary and the government for taking the issue “very seriously” and for also understanding its impact on Guyanese.

Ms. Rafina Rahim, a UK Solicitor and Mediator said the combination of a talented mediator and motivated parties will generally result in resolution of even the most difficult disputes. She also provided a global perspective on mediation.

Ms. Rahim noted that increasingly around the world, mediation forms an integral part of the dispute resolution framework of several jurisdictions. In fact, there are studies that indicate that mediation has played a fundamental part of improving civil justice dispensation and refining dispute resolution. Countries have adopted mediation either through statutory codification, or through usage, or both. Different models to introduce mediation into mainstream legal practice have been adopted and implemented.

She pointed to studies of various jurisdictions which show that mediation has found popularity due to several reasons, the primary ones being: alarming docket issues and prolonged time and costs of adjudicatory processes, where mediation has played a pivotal role in clearing dockets and reducing caseloads. The Studies also show that mediation has made an important contribution to the economic benefit and refining process of the justice system.



Some of the moments at the Georgetown training

THE CHARGE

In delivering the charge to participants of the training from both Berbice and Georgetown, the Honourable Mme. Justice Roxanne George, Chief Justice, Guyana Judiciary reminded mediators that they were crucial to enhancing and increasing the efficiency of the civil justice system, just as they ensure civility between or among opposing parties, while fostering a climate that allows for reasoned discussion.

“What I like about mediation, is that parties can discuss so much more than what can be brought to the trial court. Within limits, they can vent in a way that is not permitted in court. And you as the neutral party must control the situation, allowing persons to have a less restrained voice than the rules of the court would allow, while building trust and ensuring the confidentiality, that allows them to speak and craft their own solutions,” she explained.

The Chief Justice exhorted mediators to reinvigorate the mediation process in Guyana, advise litigants and those who you counsel that in the midst of difficulties they can find opportunities that will result in a win-win situation for all.

Note: The JURIST Project in collaboration with the Eastern Caribbean Supreme Court (ECSC) and the University of the West Indies (UWI – St. Augustine) also held mediation training from May 21-25, 2018 in St. Vincent and the Grenadines. Details of that training are available at:

<http://www.juristproject.org/news-media/media-releases/302-25-persons-from-oes-trained-in-mediation>

Other Highlights

Model Guidelines can help survivors of sexual offences

The Model Guidelines for Sexual Offences Cases in the Caribbean Region could improve the treatment of survivors of sexual offences in terms of time for completion of the case, sensitivity to the plight of survivors, lack of support systems, disregard for the safety of complainants when granting bail and victims being traumatised by defence lawyers during trials.

This was the view of Ms. Marian Taylor, Management Member of the Rape Crisis Society of Trinidad and Tobago. She was at the time speaking at the launch of the Model Guidelines for Sexual Offences Cases in the Caribbean Region at the Hyatt Regency Trinidad. The launch was held on March 5, 2018 by the Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with the judiciary of Trinidad and Tobago.

Read more at:

<http://www.juristproject.org/news-media/news-stories/308-model-guidelines-can-help-survivors-of-sexual-offences>

Using a Gender Lens in Adjudication: Train-the-Trainer Workshops

One of the Judicial Reform and Institutional Strengthening (JURIST) Project’s objective is to improve the capacity of judicial officers to use a gender perspective in their adjudication of family law and gender-based violence cases.

With this in mind, the JURIST Project partnered with the Caribbean Association of Judicial Officers (CAJO), UN Women and the Judicial Education Institute of Trinidad and Tobago (TTJIEI) to deliver a 3-part Train-the-Trainer Gender Responsive Adjudication Training for judicial officers. Ms. Jacqueline Sealy-Burke, Training Consultant, produced a Needs Assessment Report and a Train-the-Trainer Manual in November, 2017.

The training had two main objectives. Firstly, it sought to build the capacity of judicial officers to be more gender sensitive in the adjudication of family law and cases involving gender-based violence. Secondly, it also aimed to increase judicial officers’ competence in applying the Gender Equality Protocols in their day-to-day adjudication.

Read more here:

<http://www.juristproject.org/news-media/news-stories/305-using-a-gender-lens-in-adjudication-train-the-trainer-workshops>

Departing CCJ President Lauded at Special Sitting in Antigua

For the first time in its history, the Caribbean Court of Justice (CCJ) held court in Antigua and Barbuda at a special sitting on Wednesday May 16, 2018 to honour its outgoing President, the Rt. Honourable Sir Dennis Byron. Representatives from the region came together to pay tribute and say farewell to Sir Dennis.

The President, in his remarks to the gathering at the High Court in Antigua, stated that he was deeply touched by the presentations and his time at the CCJ, saying that “it has been a wonderful experience for me. Even with all my experiences of judiciaries around the world, sitting side by side with judges from every continent on the bench of an international court, I am extremely proud to have been part of this outstanding court with judges of the highest calibre, work ethic and integrity. The culmination of a lifelong dream to be part of a final Caribbean court has only been eclipsed by the sheer enjoyment of working in an environment of such high intellect and quality.”

Read more here:

<http://www.juristproject.org/news-media/news-stories/312-departing-ccj-president-lauded-at-special-sitting-in-antigua>