

**Address by Hon. Samuel Bulgin QC,
Attorney General – Grand Court Opening
January 15, 2020**

My Lord Chief Justice, other Honourable Judges of the Grand Court, Honourable Chief Magistrate, and other Honourable Magistrates, President of the Justices of the Peace Association, Madam Solicitor General, Director of Public Prosecutions, President of Cayman Islands Legal Practitioners Association, President of ALPA, Special Guests, distinguished colleagues at the Public and Private bars, Ladies and Gentlemen.

At your invitation, My Lord Chief Justice, I rise to move the motion for the opening of the Grand Court for the Year 2020, and in doing so I crave your indulgence to make some brief remarks as we seek to reflect on the past year whilst previewing the 2020 year. My Lord, I will try to be brief.

But before proceeding, please permit me to join you in also recognizing His Excellency the Governor, Honourable Premier, the Honourable

Deputy Governor and other Cabinet Colleagues, all of whom are here to, inter alia, underscore their continuing commitment to the administration of Justice.

And while I am on the subject of welcome, please allow me to welcome back Her Ladyship Ms. Margaret Ramsay-Hale.

I know I speak on behalf of all colleagues in saying it is an absolute delight to have her back as a member of the Cayman Islands Judiciary. Congratulations and welcome, My Lady!

My Lord, I was unavoidably absent from the opening last year and therefore had not had the opportunity to publicly congratulate my former colleague Madam Justice Richards, a lady who treats everyone with genuine courtesy, solicitude, civility and kindness.

As DPP, she was known to exercise her authority with independence, confidence, diligence and fairness. These are all transferrable attributes which, by all accounts not surprisingly, have been transferred to her new role as a judge of the Grand Court. Congrats My Lady!

My Lord, as has sadly become customary, we pause to recognize those who are no longer with us. The late Justice Quin, My Lord, is a noticeable absence from this gathering today. My Lord, Chief Justice, you spoke for all of us when at his memorial service you said, “He was the perfect Judge, combining wide and deep understanding of the law with humility and fairness to all”.

My Lord, I am unable to improve upon those sentiments save to add that our prayers will always be with his wonderful family.

We must also sadly My Lord, note the passing of Ms. Carol Winker, a journalist who had become a respected fixture in these hallowed Halls and was greatly admired by all for her credible reporting of court proceedings.

And My Lord, we also mourned the passing of the very first President of the local Court of Appeal, and a distinguished jurist who served this jurisdiction and indeed others around the Caribbean for many years with distinction, Sir Edward Zacca.

His memories, My Lord will live on through, among other ways, his numerous judgments in Law Reports of Jamaica, Cayman, Bermuda, Turks and Caicos as well as at the Privy Council.

We will continue to strengthen his family through our prayers.

My Lord, in 2019 we bid farewell to Justice Mangatal who, after 5 years of dedicated service to the Cayman Islands Judiciary, returned home to Jamaica. We recognize her valuable contribution to the development of the local jurisprudence during her tenure, and wish her the very best in her future endeavours.

My Lord, as is usual, the courts were kept very busy last year, with a variety of matters covering areas of criminal law, public law, family law and of course commercial law.

And my Lord there is no reason to believe that you and colleagues will be less busy this year. But allow me to publicly commend all members of the Judiciary, ably supported by the staff of Judicial Administration for the outstanding job being done, including the significant rulings on a wide range of matters.

However, the hope is that there will be greater resort to Alternative Dispute Resolution, and to that end, the recent tweaking of the Mediation Information and Assessment Meeting Rules is a welcome development.

I also pause here to mention the promulgation of the Criminal Procedure Code Rules 2019 issued by the Grand Court Rules Committee. Of significance with this initiative will be greater focus on active case management in criminal matters.

Allow me, My Lord, to observe again this year the efforts by the Government to mitigate the accommodation problems that have plagued the courts over the decades. The recently acquired Scotiabank building, once properly retro-fitted, will offer some measure of relief in that regard.

My Lord, a constant refrain over the decades at these openings is the issue of the jurisdiction's ongoing engagement with the numerous international initiatives relating to taxes, anti-money laundering and the combatting of the financing of terrorism.

As you are aware My Lord, the rules are constantly changing midstream and the jurisdiction is expected, indeed required to comply, and so a

considerable part of last year was spent putting in place legislative as well as administrative measures to give effect to these evolving standards. My Lord, 2020 will simply be more of the same. So although as a jurisdiction we are suffering from review fatigue, there is simply no relief in sight from these initiatives.

But My Lords, our resolve to ensure that the jurisdiction continues to be a hostile environment for undesirable players is not in doubt and we will continue our constructive engagement with our International partners and other stakeholders in ensuring Cayman's continuing compliance with these obligations.

This year My Lord, will see the Government pursuing a very aggressive legislative agenda dealing with a range of social and other matters, including family law and related reforms. Government will also be looking at enacting bespoke legislation dealing with the presumption of death after seven years' disappearance. This, it is hoped, will assist in bringing some degree of closure to a number of outstanding matters.

My Lord, there will be yet another attempt at putting in place this year a modern legislative framework for regulating the legal profession. There is still further work to be done but the Government is very optimistic that there will be an acceptable resolution to this very long ongoing initiative.

We are also working on a Civil Partnership Bill which will be considered by Government.

'Moving on My Lord, permit me to congratulate Mr. Patrick Moran on his appointment as DPP. Mr. Moran is an excellent lawyer, and the jurisdiction will continue to benefit greatly from his expertise. I look forward to working with him especially in partnering on legislation to strengthen the Criminal Justice System.

I also wish to applaud the entire hardworking staff of the Office of the DPP for their continuing dedication and professionalism, including their ongoing assistance in responding to CFATF recommendations.

Permit me to also offer congratulations to Ms. Reshma Sharma on her appointment as Solicitor General following the departure of Ms. Jacqueline Wilson. Her confirmation comes as no surprise to those of us

who have worked with her over her many years with the Portfolio of Legal Affairs. She is an extremely hard worker and an excellent attorney. I would also like to commend my staff in the Portfolio for their continued hard work, dedication and professionalism.

Allow me My Lord, to also offer a word of commendation to the Commissioner of Police and his Officers of the RCIPS for the outstanding job they continue to perform in maintaining law and order.

We, note My Lord, that in order to further enhance their crime-fighting capabilities, especially in the arena of cybercrime, the RCIPS has, in conjunction with their counterparts in the other OTs and the UK National Crime Agency, established a digital forensic hub.

Instructively, My Lord, is that this hub will be used to enhance the efforts of safeguarding of children from sexual abuse and exploitation.

This initiative is also consistent with a greater focus by the Office of His Excellency and the National Security Council on the gathering and using of more credible intelligence for crime fighting.

I would also highlight the Government's establishment of a national Coastguard and Border Protection Agency to help strengthen the jurisdiction's search and rescue capabilities, as well as counter illegal immigration and organized crime, including the smuggling of drugs and weapons. This has been facilitated by the assistance of UK experts in conjunction with the Governor's Office

While I am on the subject of law and order My Lord, evidence has emerged of persons within the Cayman Islands who are not lawyers but who are engaged in the business of drafting legal documents for litigants and others.

Allow me to remind those involved in this practice that it is **illegal** to do so, if it is being done for a fee, reward or other gains, and that they should therefore desist.

In closing, My Lord, I wish a safe, prosperous and productive New Year to you, all the Judges and Magistrates, the Court staff, fellow members of the legal profession and those in attendance this morning.

And it only remains for me to now formally move for the Opening of the Grand Court for the year 2020.

May it so please you My Lords.

SAMUEL BULGIN Q.C.
ATTORNEY GENERAL