



Cayman Islands  
**Judicial Administration**

Mr. Roy McTaggart  
Hon. Minister of Finance  
Chairman  
Finance Committee  
Legislative Assembly

14 November 2017

Through

Mr. Samuel Bulgin, QC  
Hon. Attorney General  
Portfolio of Legal Affairs  
On behalf of Judicial Administration in  
Finance Committee

**BY HAND**

Dear Mr. Chairman,

**RE Settlement/Approval of Judicial Administration Budget - New Court House Facility**

I write as Chief Officer for Judicial Administration and on behalf of the Hon. Chief Justice, Head of the Judiciary, who is requesting Finance Committee, to issue a qualification in the approval of funding for appropriation reference OE 102, or any appropriation related to the New Court House Project, to allow this matter to return, with the approval of Cabinet, to the Legislature in 2018 for a supplement to Judicial Administration budget.

**BACKGROUND**

In November 2016<sup>1</sup>, PWC completed its cost analysis and prepared to meet with Caucus for approval to a preferred option before continuing the preparation of the OBC. On April 5<sup>th</sup>, 2017, a presentation was made to Caucus, by the OBC team setting out the cost of each of the three proposals, which ranged from CI\$146 Million to CI\$177.6 Million.

As a result of the affordability concerns, the OBC team, was asked by Caucus to split the project in 2. It was agreed that a range of CI\$40 would be considered for phase 1 which was meant to identify solutions

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<sup>1</sup> PWC – Cayman Islands Court Facility Project – Presentation to Caucus – November 2016.



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for domestic courts, which consisted of Family, Civil and Criminal jurisdictions of both the Summary and Grand Courts of the Cayman Islands.

In accordance with this directive, with the help of the then Ministry of District Administration, Judicial Administration prepared its Priorities of the Government 2018 to 2021, which included the following proposal:

- **2018 – Green Field Land - Capital Costs** – CI\$4 million to purchase green field site to construct domestic courts;
- **2018 OBC budget** - \$100k to continue to pay PwC to revise the draft proposal on the phased option prioritizing the domestic courts. These monies would be required to fund to produce new layouts;
- **2019 - Multi Disciplinary Design Fees**
  - Design fees to Tender in 2018 /2019 (70%) – Budget \$4.9M on \$70M capex
  - Design fees in Construction in 2020/2021 (30%) – Budget \$1.05M based on only part of the facility being built with \$35M Capex
- **2019-2021 Management Fees** - recruitment of a new Senior PM to project manage the New Court Facility Project and New GT Police Station but are showing them in both budgets in case one of the projects doesn't proceed as follows :
  - New Senior PM maximum total employment cost including healthcare for family; pension etc – Budget \$130k per annum
  - MPO Overhead costs as per current SLA - \$35K per annum
  - Total cost per annum - \$165k

This proposed funding would have allowed for (a) the purchase of a green field site, as the Half Way Pond site was previously deemed unusable, (b) funding for proposal revision (c) funding for design fees and (d) funding for Management fees.

In the presentation of Judicial Administration's budget all funding proposed to advance the project has been removed, save for Appropriation Reference OE 201 \$200k for OBC costs for 2018 and 2019. These funds are wholly insufficient to allow Judicial Administration or the OBC team to advance on any short term or long term needs for the Court.



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Alternatives such as looking at existing structures adjacent to the Court, are now being considered, given the urgent need for additional Grand and Summary Court, Court Rooms, Judges Chambers, and places to house staff. This is due to the fact that significant delays are occurring in many areas in the administration of Justice, in particular in Criminal cases. We must also maintain the high standards of justice delivery which the financial services sector has come to expect and this cannot be done without the badly needed facilities.

Our data shows, that some \$800,000.00 was spent between 2007 and 2009 to advance a New Court House project at the time, and some \$200,000 was spent in 2016 for the new project. Neither of these options has advanced. In the case of the 2007 – 2009 initiative, this was because of the global financial crisis which reached our shores and prevented the Government from being able to fund the project at that time. The more recent expenditure last year resulted in the PWC alternatives mentioned above, none of which proved affordable to Government and so the instructions to approach the project in 2 Phases.

The New Court House facility initiative is now some 27 years old. The need has been publicly recognized and successive Governments have expressed firm commitment to provision of the badly needed facilities. The Court Administration can no longer assure the Cayman public of being able to meet its constitutional obligations for the delivery of timely justice under the current conditions.

The Cayman Islands Government, for some 15 years in principle, has committed to working with the Courts to find a timely solution to the provision of appropriate facilities. However, the length of time that has passed has put sustained and unrealistic stressors and demands on the Judiciary and support staff in our efforts to administer justice to the citizens, residents and those many thousands of overseas professionals and clients who otherwise engage the Cayman Islands through international financial services.

Please note that constitutionally, the Cayman Islands Government has agreed to its obligation to uphold the rule of law and adequately fund and support the Judicial Administration as is clearly set out in section 107 of the Cayman Islands Constitution, 2009 which states:

**The Legislature and the Cabinet shall uphold the rule of law and judicial independence, and shall ensure that adequate funds are provided to support the judicial administration in the Cayman Islands.**



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In keeping with this commitment, the Hon. Chief Justice, as Head of the Judiciary, is kindly requesting Finance Committee, to issue a qualification in the approval of funding for appropriation reference OE 102, or any appropriation related to the New Court House Project, to allow this matter to return, with the approval of Cabinet, to the Legislature in 2018 for a supplement to Judicial Administration budget.

This would allow for the matter to be fully discussed and agreed before Cabinet and for an appropriate proposal for additional funding to be moved before the Finance Committee with a view to appropriate funding being issued to the Judicial Administration which would meet both the Government's obligations, and the stated urgent needs of the Court.

This request is not being made *in vacuo*: shortly we expect to be able to present viable alternatives to Government which may not require the Government to provide the full capital expenditure at once. It is of crucial importance that the opportunity is afforded for doing so early next year, instead of having to await yet another multi-year budget cycle.

Yours Sincerely

A handwritten signature in blue ink, reading "Suzanne Bothwell".

Suzanne Bothwell  
Court Administrator

Cc: Hon. Chief Justice