



Cayman Islands Judicial Administration

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Contact: Bina.Mani@gov.ky

New Cadre of Cayman Islands Queen's Counsel Appointed

Five Cayman-based attorneys have been appointed to the distinguished rank of “Silks” - the informal term for Queen's Counsel. The legal documents formalising the appointments of the new Queen's Counsel were signed by HE the Governor Martyn Roper on 5 August 2021, on the recommendation of the Honourable Chief Justice the Hon. Anthony Smellie.

The formal ceremony admitting the five new QCs to the Inner Bar of the Grand Court of the Cayman Islands, to be presided over by Chief Justice the Hon. Anthony Smellie, sitting with other judges of the Grand Court, takes place on Friday, 3 September 2021, at 2:30 pm.

The new Silks include, on the public side, Solicitor General and Chief Officer, Portfolio of Legal Affairs, Ms. Reshma Sharma, and, from the private bar, Messrs. Alden McNee McLaughlin, Jr, MBE, former Premier; and Mac Webster Imrie, consultant, Maples and Calder, along with Mmes. Rachael Reynolds, global senior partner, Ogier, and Colette Ann Wilkins, partner, Walkers.

To give perspective to the seniority that is the hallmark of these appointments, Chief Justice Smellie reminded that the term “taking silk” dates to 17th Century England when Queen's Counsel first started wearing silk robes in court as a mark of distinction. The senior practitioners were instructed by junior lawyers (solicitors), typically in more difficult or complex cases, with work sometimes undertaken on the *pro bono publico* basis, a practice that continues to today in England.

Although guidelines for the appointment of QCs in Overseas Territories such as Cayman do not today require this distinction in roles between barristers and solicitors, the same practices often appertain, the Chief Justice said. This includes the still-prevailing expectation that Queen's Counsel endeavour to provide a percentage of legal work free of cost in the cases of clients who need assistance in accessing legal services but cannot afford to pay.

The appointments of these senior, long-serving, respected and distinguished members of the legal fraternity, Chief Justice Smellie said, come at the end of an intensive process of consultation and vetting, this time commencing in January 2021, by himself and his colleagues, and the UK Secretary of State for Foreign and Commonwealth Affairs.

These latest appointments, coming more than four years since the last inductions in February 2017, were made first and foremost, Chief Justice Smellie said, having regard to the needs of the jurisdiction, as prior holders re-locate, retire, or channel their service into the local judiciary.

In closely monitoring these movements, the Chief Justice said he and his colleagues “have been able to maintain a stable pool of QCs relative to the size of the profession and local population.” Achieving this balance, the Chief Justice said, was in the public’s interest as it ensured that “home grown” talent is recognized and made available to meet local needs.

“QCs are public officers in the sense that they are available to serve wherever there is a need for the special ability and seniority implied in their appointments,” the Chief Justice said, adding: “These appointments are a responsibility that my fellow judges and I take very seriously.”

The guidelines upon which candidates are evaluated were first settled many decades ago by way of Royal Instructions. They were further agreed, in 1986, between the Foreign and Commonwealth Office and the then-Lord Chancellor’s Department. After Chief Justice Smellie’s appointment to head the judiciary in 1998, he initiated the local procedures that for the first time included appointments from the private Bar.

That introduction of local procedures for the induction of private attorneys paved the way for the first private attorney, now Justice Andrew Jones (retired), to be appointed QC in 2002.

Until then, in the Cayman Islands only attorneys in the public service were appointed QCs. The very first Cayman Islands appointment, a distinction earned by the late Michael Bradley, then Attorney General of the Cayman Islands and later Governor of the British Virgin Islands, took place in 1982. The next local appointment, made in 1987, was that of the late Sir Richard Ground, a former Attorney General of the Cayman Islands and later Judge of the Turks and Caicos and Chief Justice of Bermuda. Next was Chief Justice Smellie himself, in 1991, when he served as Solicitor General and Acting Attorney General.

In less than two decades, that picture has changed dramatically. Since 2002, there have been 23 appointments (including this latest group of five appointees), bringing the total appointments for the Cayman Islands to 27 since 1982.

The Chief Justice said that the guidelines governing local appointments closely mirror those followed in the UK. In fact, he said, the local guidelines are more stringent in one important respect—eligibility based on years of experience. UK candidates must have a minimum of 10 years’ experience since admission to the bar. This compares to 15 years in Overseas Territories such as the Cayman Islands.

The rules also specify that at any given time the number of new appointees should be restricted to approximately 10% of the members of the practising Bar. The Chief Justice confirmed that he and his colleagues are committed to the ongoing review of the needs of the jurisdiction for the making of further timely recommendations for appointment.

The following is a summary of the achievements of this latest group of appointees:

Alden McNee McLaughlin, Jr., MBE QC

Former Premier of the Cayman Islands Alden McNee McLaughlin, Jr., who while still serving as a Member of Parliament intends to resume practice as an attorney-at-law, holds a 1988 Bachelor of Laws honours degree from the University of Liverpool, UK, and a professional practice certificate from the Cayman Islands Law School. He was admitted to the bar in 1988 and was soon appointed an associate at the firm of Charles Adams & Company. The firm thrived and he became a partner in 1993 (the firm by then having expanded to become Charles Adams, Ritchie and Duckworth), Mr. McLaughlin undertook a wide array of work, including family law; succession, conveyancing, and corporate law; land law disputes; immigration, labour and planning tribunal matters; traffic and criminal matters, and civil litigation.

Court appearances were his métier, Mr. McLaughlin said, and between 1988 and 2000 he appeared regularly before many tribunals and in all the courts in Cayman in a wide range of matters, during which time he instructed many Queen's Counsel, including such notable barristers as Ramon Alberga QC and Pierre Lamontagne QC. More than a dozen of the cases in which he appeared before the Grand Court and the Court of Appeal are reported in the Cayman Islands Law Reports.

During this period, also, Mr. McLaughlin served as president of the Caymanian Bar Association and as a member of the Legal Advisory Council. He also served as a member of the Grand Court Rules Committee.

Retiring from practice in 2005 following his election as a Cabinet minister, Mr. McLaughlin is now serving his sixth consecutive term as an elected representative, which included three terms as a member of Cabinet and two terms as Premier.

Over the span of those 20+ years, Mr. McLaughlin's legal training, knowledge and experience were put to considerable use in a variety of ways: drafting and construction of legislation and agreements; advocacy for constitutional advances for the Cayman Islands, notably resulting in the Cayman Islands Constitution Order 2009 and the bill of rights provisions; and in other local and international negotiations. In 2016, Mr. McLaughlin was the lead on further constitutional reform for the Cayman Islands, securing several innovative concessions for the Islands.

Mr. McLaughlin was similarly instrumental in piloting through Cabinet and Parliament an array of other complex legislation, including the more recent Legal Services Act 2020 and the Defence Act 2020, both involving very intense debate.

As Premier, Mr. McLaughlin's leadership in overseas delegations included discussions and negotiations with CARICOM, the UK Government, the EU Commission, and representatives of many EU countries in Brussels, Paris, Berlin, Washington DC, and New York.

These discussions and negotiations spanned the range of matters significant to the Cayman Islands in several critical areas, from advocacy for Cayman's financial regulatory regime, to human rights obligations, and to privacy and data protection, under Cayman's constitution, the

provisions of the European Convention on Human Rights, and other conventions and regulatory regimes worldwide.

Among commendations, Professor Sir Jeffrey Jowell, KCMG, QC, who worked closely with the Cayman Islands on a number of occasions and attended two sets of constitutional negotiations with the UK Government, commented, “[Alden McLaughlin’s] legal skills meet the highest standard of Silk in any Commonwealth country, including the United Kingdom....”

Now on the threshold of the conferment, Mr. McLaughlin, like all the other new Silks, has committed to making his services available generally to the public, and to undertake to do a fair share of pro bono work as is expected of Queen’s Counsel.

Reshma Sharma QC

Cayman Islands Solicitor General Reshma Sharma, who began her legal career as an attorney-at-law of the High Court of Trinidad and Tobago, holds a Master of Laws degree in Commercial Law (with commendation) from the University of Aberdeen; a Legal Education Certificate from the Hugh Wooding Law School; and a Bachelor of Laws (Hons) Degree from the University of the West Indies.

Appointed Cayman Islands Solicitor General in 2019, Ms. Sharma previously acted in that role since 2017 while holding the post of Deputy Solicitor General. Her first local appointment was as Crown Counsel in May 2005. In June 2007, she assumed the post of Senior Crown Counsel. On various occasions since 2016, she has served as Acting Attorney General.

Notable public law cases in which Solicitor General Sharma was involved include the first constitutional challenges in the Islands relating to the right to same-sex marriage and age/nationality discrimination under the Bill of Rights, CI Constitution Order, 2009; the first judicial review of the transfer of prisoners under the UK Colonial Prisoners Removal Act, 1984; a challenge to extradition under the UK Extradition Act (Overseas Territories) Order; and various applications for declarations of eligibility to stand for election under the Elections Act.

Apart from litigation, Ms. Sharma’s responsibilities over the years have extended to a broad range of subjects. Her international work includes treaties and conventions; in this area, she has coordinated the preparation of periodic reports for the jurisdiction in relation to various international instruments and has advised on matters relating extension and implementation of such instruments to the Islands. She also advises on matters relating to Overseas Territories sanctions orders and restrictive measures and serves as counsel to the Cayman Islands Mutual Legal Assistance Authority under the Mutual Legal Assistance (USA) Act.

In other initiatives, Ms. Sharma was involved in the delivery of human rights training for the civil service following the coming into effect of the Bill of Rights. She currently serves on several bodies including the Law Reform Commission, Anti-Money-Laundering Steering Group, National Intelligence Committee, Cayman Islands Child Safeguarding Board and the CIG Project Future Steering Committee. She was a member of the Water Authority Board for a number of years from 2007. As Chief Officer, she has overall responsibility and oversight for seven departments within the Portfolio of Legal Affairs.

Prior to her first appointment in the Cayman Islands, Ms. Sharma held the post of Acting Senior State Counsel in the Solicitor General's Chambers, Ministry of the Attorney General of Trinidad and Tobago. Her key responsibilities there included litigation before the High Court and Court of Appeal of Trinidad and Tobago, with particular emphasis on public/administrative and constitutional law matters. Constitutional litigation involved defending the State against alleged breaches of fundamental rights and freedoms.

Mac Webster Imrie QC

A Partner with Maples and Calder law firm from 2004 - 2019, and now a consultant to the same firm, Mr. Mac Imrie's qualifications include a Bachelor of Laws (Hons.) degree, from the University of Auckland Law School, and a National Certificate in Business Studies, from Auckland University of Technology. He is also an Associate of the Insurance Institute of New Zealand, and an Associate of the New Zealand Chartered Institute of Transport. He was admitted to the New Zealand bar as a barrister and solicitor in 1994.

Mr. Imrie's local practice involves mainly financial services industry cases, including commercial litigation, arbitration, and regulatory work. He is regularly instructed on cases involving mutual fund disputes and on an array of other companies and trusts cases.

Mr. Imrie has frequently appeared in Grand Court and the Cayman Islands Court of Appeal, including one matter which is now on appeal to the Privy Council.

The Maples consultant has represented the Cayman Islands Law Society as a member of the Grand Court Financial Services Division User Group.

Prior to joining the Cayman legal fraternity in 2002, Mr. Imrie served as a solicitor (Litigation), London and Hong Kong, at the international law firm Herbert Smith Freehills. He was registered as a foreign lawyer in Hong Kong, from January 1998 to February 1999, and was admitted as a solicitor of the High Court of Hong Kong, in February 1999.

Subsequently, Mr. Imrie was admitted as a solicitor in England and Wales in February 2000, and as a solicitor-advocate (Higher Courts—Civil) on 29 November 2000. He is also admitted as a solicitor and solicitor-advocate in the British Virgin Islands.

Mr. Imrie commenced his legal career at a premier New Zealand litigation firm, where he engaged in insurance-based litigation. Other legal work included employment law and the full array of civil litigation, including contract, negligence, and technical issues in a variety of subjects. His court work has resulted in many reported cases."

Rachael Reynolds QC

Recently appointed Global Senior Partner of Ogier, Ms. Reynolds' qualifications include an honours degree in jurisprudence from Oxford University, awarded in 1998, and completion of the Bar Vocational Course at the Inns of Court School of Law, London, in 1999.

Ms. Reynolds joined Ogier in 2007 and became a partner in 2013. Prior to this, she practised at Clyde & Co., London, and at the English Bar.

Recent awards distinguishing her service as a litigator include Offshore Litigator-of -the-Year at the Citywealth IFC Awards 2020, and Advisor-of-the-Year 2020, at the Wealth Briefing European Awards.

Ms. Reynolds appears regularly as an advocate in Cayman courts in cases involving high value and complex international trust and investment fund structures. She has taken leading advisory and acting roles in an array of litigation in this area, including advising on the collapse and liquidation of the largest private equity structure in the Middle East. She also led the largest Cayman Islands (and one of the largest globally) company restructuring.

The newly appointed Silk holds membership in the Cayman chapter of several relevant associations. These include the Restructuring and Insolvency Association, Alternative Investment Management Association, and the International Women's Insolvency & Restructuring Confederation. She is also a member of Insolvency International and the Cayman Islands Law Society.

She has several publications to her credit, including being a contributing author to the text "*International Asset Tracing in Insolvency*," published by Oxford University Press.

Colette Ann Wilkins QC

Mrs. Wilkins has over 30 years' experience as a litigator with emphasis on high value financial services-related litigation. Since 2009 she has been serving as a partner at Walkers, managing a caseload predominantly representing/advising on litigation issues involving corporate and international finance law, investment funds, private equity, structured products, and asset recovery.

On the administrative side at Walkers, Mrs. Wilkins manages a team of attorneys, trainees, and support staff, is a member of the Walkers Training Committee, and has served as principal for several Caymanian articulated clerks.

Joining Walkers in 2009, Mrs. Wilkins served initially as litigation partner, specialising in litigation, contentious restructuring, and insolvency.

She previously served from 2005 to 2009 with Truman Bodden & Co., where she acted for overseas clients, local institutions, and individuals. From 1990 to 2006, she practised as a barrister at New Square Chambers, Lincoln's Inn, London.

Mrs. Wilkins was admitted as an attorney-at-law in the Cayman Islands in 2005, and in 2011 was admitted as a barrister in the British Virgin Islands.

Her qualifications include Bar Finals, Inns of Court School of Law, 1988-'89; Post Graduate Diploma in Law, City University, London, 1987-'88; and an Honours Degree in History, University of Wales, 1980-1983.

The newly appointed Silk is a regular speaker on Cayman Islands law issues at local and major international conferences, including INSOL, Offshore Alert, the American Bankruptcy Institute, the AICPA national conference and the UNCITRAL Colloquium on Civil Asset Tracing and Recovery, in Vienna.

Among awards recognizing her legal accomplishments, Mrs. Wilkins was twice named Cayman Islands Attorney-of-the-Year by the Recovery and Insolvency Specialist Association (RISA). She is a member of INSOL and the American Bankruptcy Institute, and since 2013 has been regularly recognised by the *International Who's Who* of Asset Recovery Lawyers as one of top-ten asset recovery lawyers worldwide.

Among an array of community and professional activities, since 2019 Mrs. Wilkins has been a member of the Grand Court Rules Committee and the Insolvency Rules Committee. She has been a mentor at John Gray High School, and was a co-founder of the Cayman Islands Chapter of IWIRC, chartered to advance the professional development of women in insolvency and restructuring in the Cayman Islands.

For the period 2007-2009, she served as a member of two Freedom of Information sub-committees, and served as governor of Cayman Prep. High School, and president of its PTA, from 2006-2008.

In the professional sphere, Mrs. Wilkins has been in active discussion with the Chief Justice on establishing here in Cayman a legal aid clinic, modelled perhaps on the Chancery Bar Litigant in Person Support Scheme (known as CLIPS), and which operates in other jurisdictions.

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