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REPORT OF THE COUNCIL
OF THE
JAMAICAN BAR ASSOCIATION

FOR THE PERIOD MAY 2009-APRIL 2010

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A. ABOUT THE ASSOCIATION

The Jamaican Bar Association was incorporated on the 16th January 1973 as a Company Limited by the Guarantee under the Companies Act and was subsequently granted exemption from having to use the word " Limited" in its name.

Membership is voluntary and at the date of this report, there are over 1,200 members with over 40 new members having joined during the past year.

The Association is in the process of compiling and publishing its first Directory of Members, which, it is hoped, will be published on an annual basis.

A1. ADMINISTRATION

The Association is administered by a Council comprising the President, Vice President, an immediate Past President (where applicable) and twenty (20) members. The three (3) Regional Bar Associations are also entitled to have one (1) observer each on the Council. During the period covered by this report the Council had nine (9) regular meetings and one (1) special meeting.

The names of the Council members and their record of attendance are set out below.

NAME		Meetings Attended
Mrs Jacqueline Samuels-Brown	President	9
Mr. Ian Wilkinson	Vice President	6
Mr. Gavin Goffe	Secretary	9
Capt. Paul Beswick	Assistant Secretary	5
Mr. Stuart Stimpson	Treasurer	4
Mrs. Janet Morrison	Assistant Treasurer	8
Senator the Hon. Dorothy Lightbourne, CD, QC		0
Miss Norma Linton, QC		8
Mrs. Pamela Benka-Coker, QC		8
Mr. Patrick Bailey		5
Miss Carol Vassall		9
Miss Nancy Anderson		4
Mr. John Leiba		6

Mr. Donovan Walker		9
Mrs. Sandra Minott-Phillips		6
Miss Linda Wright (<i>member since Jul. '09</i>)		5 of 8
Miss Jacqueline Cummings		6
Mrs. Michèle Champagnie		5
Mrs. Sharon Usim		8
Miss Deborah Martin		7
Miss Sherry-Ann McGregor		5
Miss Katherine Francis		5

A2. STAFF

The present staff complement includes Miss Sandra Tapper, General Manager; Miss Antoinette Wilmot, Secretary; Ms. Karen Pellington, Office Assistant and Ms Sophia South, Office attendant at the Supreme Court and the Court of Appeal. The JBA shares with the General Legal Council the services of Ms. Eulalee Steele.

A3. THE BAR OFFICE

The Reading Room in the Bar Office is available for use by members. It contains a small library with many international legal periodicals. There is also a set of Halsbury Laws, the UK Supreme Court Practice and the Jamaica Law Reports.

The beautiful specially built Conference table and chairs adorn the Conference Room, which seats 25 persons. The air-conditioned conference room is available to be rented for meetings.

B. THE PRESIDENT'S REPORT

Once again we remind ourselves of the tenets of our Mission Statement and reflect on the extent to which, as an Association and members of the profession, we have upheld and promoted these objectives:

- To strive for the maintenance and strengthening of the rule of law and human rights;
- To protect the independence of judges and attorneys-at-law;
- To work towards the reform of our laws and the improvement of our legal system so that they may serve the interests of justice;
- To offer service to our system of justice and to those in need of our aid and protection;
- To foster basic and continuing legal education and the development of the knowledge and skills of legal practitioners;

- To be concerned about the welfare and well-being of our colleagues;
- To promote the dignity, integrity and good name of the legal profession and;
- To be zealous in supporting the aims and work of our Association and to seek to make it an instrument of professional friendship.

It has indeed been a year of challenges and achievements; sterling examples of the highest level of professionalism and yet disappointing instances of below par professionalism. Some members of the Association continue to give exemplary service in maintaining and building the organization. Ironically their bright light passed an even darker shadow on those of us who have been unable to shake off the inertia of inactivity.

Professional Standards

As we bear in mind our duty to promote the integrity and good name of the legal profession in Jamaica it is not accidental that much of Council's time this year has been devoted to reviewing the institutional relationship between the Jamaican Bar Association and the General Legal Council. We are grateful to the individuals who have raised this as a concern. By so doing they have placed it firmly on the agenda.

The resolution moved by one of our members at the Annual General Meeting in 2009 sparked lively and productive discussions at Council. Arising out of this a special sub-committee was set up to review these relations. Our member's resolution remains on the table. Additionally there is proposed to be a report of the committee to the Annual General Meeting and a discussion and voting on resolutions emanating from that sub-committee. Additionally we will discuss, with a view to recommendations the draft amendments to the Legal Profession Act relative to the powers and functions of the General Legal Council sent to us by the Ministry of Justice for this purpose.

Finally the integrity and professionalism of lawyers has attracted the interest of the press and the public at large; so much so that on more than one occasion my comments have been sought by the media in relation to this issue. I welcome feedback on the positions taken, as I do in relation to all other matters.

I have proposed that for each of our Continuing Legal Education seminars we include a brief segment on ethics and I am hoping for the membership's and the Committee's full support in relation to this.

Building the Organization, Strengthening our Membership and Support of the Rule of Law

I wish to publicly thank those of our members who have continued to lead and work on the various sub-committees. Through you we have been able to have our voices heard on various issues of importance to the rule of law, the independence of judges and attorneys, law reform, legal aid and professional development. You have set out in your reports the specific tasks undertaken and/or completed. These speak eloquently for themselves. However I urge those of our members who continue to demonstrate active interest in our Association to join and work with a sub-committee to strengthen and build our profession and organization. I wish to take note of the revival of the Revenue Law Sub-Committee and to give special thanks and congratulations to the Chairperson and Convenor. We continue to work towards the revitalization of the Publications Sub-Committee and again I extend thanks and congratulations to those of you who are actively involved in this process.

I have been able to maintain the monthly Bar updates to members. I am grateful for the wide ranging feedback expressing thanks for the information provided and hope that this will be a permanent feature of the Bar's activities. I believe it has the potential of providing cohesion and participation among members.

Thirty four (34) new members joined the Association since the last Annual General Meeting, six (6) of which were called to the Bar in November 2009. Each has already been personally welcomed. But I take this opportunity to repeat that welcome and urge our new members to make your membership active and dynamic.

I have asked our office to embark on a process whereby committee chairpersons contact members who have joined the Association in the last five (5) years in order to invite them to become actively involved in committee work. If you have already indicated an interest in a particular sub-committee but was never contacted I ask that you let me, the secretary and/or the bar office know so that we can take immediate steps to correct this omission.

It is vitally important that we resurrect the Constitutional Law Sub-Committee. The Charter of Rights discussions that have been dormant for sometime now is likely to be resumed in the coming month and in any event we should lead the charge. If you have an interest in this area please let me know.

Over the past year we have issued press releases and participated in public discussions on various topics. The press releases included:

- A response to the Minister of National Security castigating a judge of our Supreme Court for granting bail – February 26, 2010
- A response to government proposal to legalize pretrial detentions – June 19, 2008
- A statement in support of the jury system and in response to attempts to pervert the course of justice which one of our members at the private bar uncovered and reported – November 17, 2009

Additionally as the report of the various committees show, reports were made to government and other public bodies on matters affecting the rule of law, the profession, law reform and justice.

In my capacity as a member and president of the Association I continued to chair the Bench & Bar Committee and sit on the Steering Committee on Criminal Case Management, the Board of the Dispute Resolution Foundation, the Rules Committee and participated in the National Security and Justice Thematic Working Group.

I take special note of the matters brought to the attention of the Rules Committee by the Family Law and Civil Practice and Procedure Sub-Committees. Based on this and other inputs it is anticipated that a new set of amendments to the Civil Procedure Rules will be approved aimed at enhancing the operation of the rules.

I have been invited to and participated in various seminars and workshops including:

- Child Protection Strategic Development workshop
- The UWI Faculty of Law Arbitration workshop
- National Integrity Action Forum

- I have convened a meeting with the National Court Implementation Committee of the Ministry of Justice responsible for the expansion of the Supreme Court.
- Presented at the joint Continuing Legal Education seminar between the Jamaican Bar Association and the Cornwall Bar Association.
- Represented the Association at the Jamaica Federation of Corrections seminar and workshop
- Attended meetings of the Council of Legal Education

The Updates would have already given you insights into the current discussions relative to the expansion of continuing legal education in Jamaica. As the profession grows we need to be vigilant in relation to standards and nurturing of young professionals. In this regard the Jamaican Bar Association has a central role to play and I invite you all to do your part both on an organizational and individual level.

We continue to use the website as another means of keeping you informed, Please note that our member directory is now posted on our website.

I have also represented the Association at other functions and event including:

- Guest Speaker at the Bi-Annual General Meeting of the Resident Magistrate Association
- Chaired special workshop for senior Police Officers on Criminal Case Management
- Co-chaired the Independent Jamaican Council for Human Rights Annual Valentines Brunch
- Guest speaker at the National Press Association Annual Journalism Awards function
- Attended the annual graduation ceremony of the Norman Manley Law School
- Meeting with the visiting United Nation Rapporteur on Torture

At times it has been difficult to fulfill all these engagements and I am grateful to other members of Council and the Association who have alternated for me from time to time. Aside from the personal satisfaction which these opportunities often bring I believe it is of great importance that the Association maintains a profile in the public arena as this helps to strengthen our work and is in keeping with our duty to help to develop law and justice and public education around these issues.

The upcoming year promises to be a very active and even more challenging one. There may be changes in leadership but the structure, the aims and the objectives of the Association remains the same. As usual our premier fundraising event, the Bar Dinner will be staged in July 16, 2010. We look forward to your support for this and other activities of the Association as together we continue to strive to raise the bar.

JACQUELINE SAMUELS-BROWN

PRESIDENT

C. Reports of the Standing Committees of the Association

In addition to the Council which is principally charged with the duty of carrying out the work of the Association, the Committees of the Association provide Council with invaluable assistance in assessing legal issues and developments in the law which impact members and the country generally. The work of the Committees has been reflected in many of the topics dealt with in detail in the President's report. The Chairperson of each Committee was asked to supply a summary of the activities of his /her Committee during the period of this report.

C1. ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

Loretta Reid-Pitt – Chairperson

Salma Aitcheson
Noreth Archer
Juliet Bailey
John Bassie
Yvonne Bennett
Carol Bernard-Madden
Cassie Graham
Verleta Green
Camille Lee
Audre Lindo

Margarette Macaulay
Verna Madden-Miller
Ronald Mason
Donna McIntosh Brice
Alexis Robinson
Stephen Shelton
Sharma Taylor
Lesa Wilkinson
Maliaca Wong
Norman Wright

The Alternative Dispute Resolution (ADR) Committee held regular meetings during the last year. Members of the Committee continued to serve as mediators in the Supreme Court and Resident Magistrate Courts. Also, several of the members are arbitrators, with membership as Fellows or Associates of the Chartered Institute of Arbitrators, Caribbean Branch.

During the past year, Committee members participated as presenters and attendees of the 4th Caribbean Conference on Dispute Resolution and seminars offered by the Chartered Institute of Arbitrators, Caribbean Branch and the Dispute Resolution Foundation in collaboration with the Bar's Continuing Education Committee.

C2. BENCH & BAR CONSULTATIVE COMMITTEE

Mrs Jacqueline Samuels-Brown – Chairperson

Her Ladyship, the Hon. Mrs. Justice Zaila McCalla, OJ, Chief Justice – Co-Chairperson

Gavin Goffe – Secretary

His Lordship, The Hon. Mr. Justice Seymour Panton, OJ
His Lordship, The Hon. Mr. Justice Karl Harrison, CD
His Lordship, The Hon. Mr. Justice Lloyd Hibbert, QC
Her Ladyship, The Hon. Mrs Justice Marva McIntosh, CD
Her Ladyship, The Hon. Miss Hilary Phillips, QC
Her Ladyship, The Hon. Mrs Justice Paulette Williams
Paula Llewellyn, QC, CD, Director of Public Prosecutions
Her Hon. Mrs. Pansy Primo-Griffiths, R.M.
Master Audre Lindo

Rosemarie Harris, Registrar of the Supreme Court
Hugh Salmon, Director of State Proceedings
Mrs Marcia Beverley, Representative from the Ministry of Justice
Ian Wilkinson
Norma Linton, QC
Carol Vassall

The Bench & Bar Consultative Committee held three (3) meetings in the last year. The main issues on the agenda this year were:

- Addressing the Backlog in the Civil and Criminal Courts
- The proposal for a Judicial Code of Conduct
- Criminal Case Management
- Expansion of the Supreme Court and Court of Appeal

The primary purpose of the Committee is to open the communication lines and collaborate with the judiciary, the Attorney-General's Chambers and the Director of Public Prosecutions to assist in improving the delivery of justice.

The committee noted that while there were marked improvements in the efforts made to tackle the backlog in the courts, the problem was one that required a multi-faceted approach from all stakeholders, including attorneys. Amongst the strategies being employed include (i) increasing the number of judges (ii) proposal to retain retired judges to assist with old cases (iii) the expansion of the Supreme Court and Court of Appeal (iv) weekend workdays at the Registry (v) meetings amongst judges to improve consistency in the treatment of divorce matters and (vi) further sensitizing attorneys of the things they can do to make the most efficient use of the court's resources

It is hoped that the introduction of Criminal Case Management will also assist in the clearing of the backlog in the criminal courts. The pilot project commenced on 7th January 2010 in the Home Circuit Court and the Gun Court and positive reports were received. The DPP's Office expects to have a code of practice for prosecutors and guidelines for applications under section 31D of the Evidence Act within a few months. The Committee looks forward to reviewing a draft of the Judicial Code of Conduct as soon as it is drafted and made available for discussion.

The plan to expand the Supreme Court and Court of Appeal is now in motion and the Committee intends to bring this into greater focus in future meetings.

C3. CIVIL PROCEDURE AND PRACTICE COMMITTEE

Carlene Larmond -Chairperson
Shuana-Kaye Hanson -Convenor

Yvonne Bennett
Gillian Burgess
Michèle Champagnie
Analisa Chapman
Robert Collie
Adolph Edwards
Katherine Francis
Rudolph Francis

Daniella Gentles
Sundiata Gibbs
Georgia Gibson-Henlin
Seyon Hanson
Corrine Henry
Christopher Kelman
Julianne Mais-Cox
Sherry-Ann McGregor

Stephany Orr
Charles Piper
Kevin Powell
Lisa Russell
Denise Senior-Smith

Alexis Robinson
Jerome Spencer

This sub-committee has actively continued its work of reviewing the Civil Procedure Rules 2002 (CPR 2002) and Court of Appeal Rules 2002 (CAR 2002), consulting with practitioners regarding the administration and operation of the civil jurisdiction of our Courts, and submitting comments to the Rules Committee of the Supreme Court for its consideration.

In 2009, the Committee consulted not only with practitioners but also had meaningful consultation with the Court of Appeal Registrar resulting in several recommendations to the Rules Committee on the CAR 2002. The Committee hopes to have a similar consultation with the Registrar(s) of the Supreme Court this year. Through the President of the Bar Association, the Committee also submitted detailed comments on the issue of whether time limits for the delivery of judgments should be imposed and along with the President the Chairman also participated in discussions with the Ministry of Justice regarding the implementation of specialized courts.

In its efforts to contribute to the continued improvement of civil litigation practice in Jamaica, the Committee has submitted to the President recommendations regarding several aspects of the Civil Procedure Rules, 2002 and the Court of Appeal Rules, 2002. For example, the Committee has made submissions regarding Committal Proceedings, Quantification of Costs and Summary Judgment.

The Committee also began a comprehensive review of existing Practice Directions, not only with a view to identifying where such directions may be required, but also with the ultimate goal of completing a compilation of all Practice Directions that would be available in both physical and electronic format.

The Committee has been successful in its efforts to increase membership, and welcomed 10 new members in 2009. There has also been marked improvement in the attendance at monthly meetings, and the active and keen participation of members has seen corresponding improvement.

Practitioners who have encountered difficulties with the application of the Rules, or who wish to contribute to improving any aspect of them, are encouraged to continue bringing such matters to the attention of the Committee so that appropriate representation can be made to the Rules Committee.

The Chairman thanks all members for their support during the past year. We look forward to a vibrant year.

C4. COMMERCIAL LAW COMMITTEE

Hilary Reid -Chairperson

Grace Lindo -Convenor

Richard Ayoub

Keri-Gaye Brown

Michèle Champagnie

Dylan Coke

Robert Collie

Lilieth Deacon

Dave Garcia

Sundiata Gibbs

Peter Goldson

Denise Kitson

Nicole Lambert
Jerome Lee
Tracey Long
Patrick McDonald
Glenroy Mellish
Roxanne Miller
Janet Morrison
Janelle Muschette-Leiba
Gina Phillipps-Black
Kim Robinson
Tamara Robinson

Andrea Scarlett-Lozer
Yanique Stone
Robert Taylor
Julie Thompson
Lilieth Turnquest
Michelle Walker
Donovan Walker
Tricia-Gaye Watson
Audrey Welds
Nadine Wilkins

The Commercial Sub-Committee remained active during the period under review (June 2009-March 2010) during which five of the six scheduled meetings were held. The Committee continued to look at several topical areas of law.

The Committee looked at the system for execution and witnessing of documents outside of Jamaica. It was felt that there needed to be standardisation between the different execution methods for documents emanating from different jurisdictions. We are still awaiting passage of the Bill to Amend the Companies Act to allow for Articles of Continuance. The Committee was in constant communication with the Companies Office of Jamaica regarding the proposed amendments. Members also looked at the amendments to the forms used by the COJ.

In May, 2009, members met with a consultant from the United Nations World Tourism Organisation (UNWTO) regarding the proposed time share legislation. During this meeting, the consultant shared examples of similar time share systems in other jurisdictions such as Canada and Australia.

The Committee looked again at the Consumer Protection Act, particularly with respect to the issue of whether there was a need to seek express exemption of Attorneys-at-law from the provisions regarding complaints to the Consumer Affairs Commission set out under the Act.

The Committee continued to look at the Credit Reporting Bill and on July 23, 2009, in conjunction with the Continuing Legal Education Committee, held an external Seminar on the Bill.

During the period under review, the Committee made an effort to continue to have external presenters on topics which are of interest to the Committee, such as the Junior Market and legal services under the European Partnership Agreement.

We welcomed several new members to the committee and it is hoped that they will bring vibrancy to our efforts.

C5. CONTINUING LEGAL EDUCATION COMMITTEE

Alton Morgan- -Chairman
Stacey-Ann Soltau-Robinson -Convenor
Nancy Anderson
Dr the Hon. Lloyd Barnett, OJ
Jacqueline Cummings
Carol Davis
Norman Davis

Suzanne Ridsen Foster
Margaret Moodie Jervis
Christopher Malcolm
Hilary Phillips, QC
Donovan Walker

From April of 2009 to March 2010 Committee Meetings were held regularly save for the months of August and December 2009.

Several new initiatives were undertaken to improve the variety of content and quality of the Seminars. These were:

- A. The start of "Workshop presentation Seminars" by Departments of Government and Statutory Agencies whose services are commonly used by the profession
- B. Having the Practice area Sub-Committees choose topics and present Seminars with the CLE Committee managing the co-ordination of the support services for the event.
- C. Arranging sponsorship to cover the cost of Notices, Venues and Publications of the Seminars
- D. Changing the venue from the Norman Manley law School to locations that were better suited to the Seminar topic and audience profile

A total of seven seminar events were conducted. One weekend seminar was held in conjunction with the Cornwall Bar Association at the Grand Palladium resort, Hanover in November 2009.

The presentations subjects covered comprised total of Fourteen topics and as follows:

2009

June 20 - Regulatory Oversight of Commercial Activities-

Venue NMLS **Legal perspectives**

The Antidumping Commission
Jamaica Intellectual Property Office
Fair Trading Commission
Office of Utility Regulation

June 25

Surveyors I.D. Reports

Venue- Knutsford Court In conjunction with the Land Surveyors association

July 4 -

New Practice & Procedures of the Titles Office

Venue: Institute of Jamaica Presentation, Workshop Q & A discussion
The Registrar of Titles
Applications for First Registrations & the Special Provisions Act- Land Administration & Management Programme

July 23

The Credit Reporting Bill

Venue- Terra Nova Hotel Series of presentations
The Commercial Law Sub-Committee
Ministry of Finance

and discussion

Jamaica Bankers Association
Bradford- Premier Credit Bureau

November 28-29

Weekend Seminar
Joint with Cornwall Bar
Series of presentations
and discussion

Justice Reform – Ministry of Justice

Administrative changes in the Court

- Chief Justice

Fraud and compensation with Registered Titles

-The Registrar of Titles

Visual Identification – Asst Cmmsr of Police

Strata Titles Amendment Act

Extradition

Caribbean Court of Justice

2010

February 6 –

presentations and
discussion

Venue NMLS

Mediation in Law practice

Mediation Friendly Law Practice

Preparing Your Client for Mediation.

Mediation in Modern Jamaica

Negotiation Issues

Practical Side of Mediation

March 6 –

presentations and
panel discussion

Venue: Institute of Jamaica

Perspectives child care & protection act

Child Development Agency

Office of the Childrens Advocate

Magistrate -Family Court

The format of the presentations was primarily oral with audio visual, power-point presentations. There was limited reading of written papers

The average attendance at the seminars was approximately 120 persons.

Several new persons have joined the CLE Sub Committee both from large firms as well as single practitioners.

The four new initiatives combined with change in the format of the Seminars to having more short presentations covering a wider area has stimulated attendance and enhanced the revenue stream to the Association as reflected in the Treasurers report.

The planning of the C.L.E. Seminar programme calendar still requires more support from Sub Committees in particular those which in the past three years have not presented papers on their particular practice areas such as Civil Procedure, Conveyancing, Company, Revenue.

C6. CONVEYANCING COMMITTEE

Basil Parker – Chairman

Nadira Ally-Soogrim
Janice Causwell
Alexander Cools-Lartigue
Adolph Edwards
Helen Evelyn
Natalie Farrell-Ross

Shelly-Anne Forte-Sykes
Ethan Sinclair
Arturo Stewart
Keith Smith
Colleen Vendryes
Andrea Rattray

A total of nine (9) meetings was held by the Conveyancing Committee during the year.

OFFICE OF TITLES

In the period under review, the Titles Office released a new-look Certificate of Title but the initial responses from Attorneys have not been favourable. These include complaints relating to the type of paper being used, and fears as to its durability, insufficient information in the endorsements as well as inadequate space for the endorsement of transactions.

Applications To Register Land

Concerns continue to be raised by practitioners in relation to requisitions from the Referees of Title and differences of opinion with the Referees as to the standard of proof of ownership which is required by law in respect of claims based on possession.

As a consequence, matters are protracted, Attorneys are becoming reluctant to undertake work in this area, and the cost to members of the public, of applications to register land, has increased significantly.

The matter has been raised with the Registrar of Titles and the Prime Minister (who has portfolio responsibility for the Titles Office,) and efforts are ongoing to improve the situation.

The Registration (Strata Titles) Act

The long-awaited amendments to the Registration (Strata Titles) Act have now been passed into law but the Regulations are yet to be presented to Parliament, and the Commission of Strata Corporations has not yet been appointed. The amendments were considered at various times by our Committee, and a number of recommendations were made by us with a view to improving the effectiveness of the legislation.

Registration Of Titles Act

Our Committee is concerned that after the passage of more than six years, a number of proposals for amendment of the Registration of Titles Act (some made by us and others proposed by the Titles Office) have not been implemented, but we continue to agitate for such changes.

Land Administration and Development Programme (LAMP)

The programme was extended last year to cover the Parishes of St. Thomas and St. Elizabeth, and we welcome the proposal for islandwide coverage in due course. The project currently applies to St. Catherine, Clarendon, St. Thomas and St. Elizabeth, and offers, inter alia, tax

advantages and a greater opportunity for individuals to bring their lands under the operation of the Registration of Titles Act.

C7. CRIMINAL LAW (PRACTICE AND PROCEDURE) COMMITTEE

Deborah Martin – Chairperson

Althea McBean – Secretary

Patrick Atkinson

Nancy Anderson

Fabian Campbell

Leroy Equiano

Norma Linton, QC

Valerie Neita-Robertson

Patrick Peterkin

Jacqueline Samuels-Brown

Maurice Saunders

The Criminal Law Sub-Committee continued to monitor and review developments in several aspects of criminal law and procedure. Several controversial issues arose during the course of the past year which required our input and representation.

Among these was the proposed extension of the time period within which a citizen can be held in custody without being charged or brought before the Court. Strong representations were made against this proposal as it could result in breach of citizens' Constitutional Rights. At the request of the President a survey was also done among members of the profession in order to compile a list of clients who were held for an extended period without ever being charged. It revealed that this practice though illegal is extensive.

A new system was implemented at Police Stations for electronic/photographic Identification Parades. This was suspended when members of the Criminal Bar objected as attorneys and other interested persons in the Justice system were not sufficiently notified of the procedures to be adopted. Additionally it was found that safeguards were not in place to ensure fairness and instances of unfairness were actually revealed. In addition, there was no change in the existing rules to allow for this. A Code has since been formulated by the Director of Public Prosecutions and Video Identification Parades have now resumed in several police stations. This is being monitored by the committee.

Our President accepted an invitation to sit on the Steering Committee for Criminal Case Management. The Pilot Project for Criminal Case Management commenced in January of 2010. The aim is to increase the Judge's role in ensuring that matters are tried in a speedy and efficient manner. It is also thought that Case Management will reduce delays by having less mention dates, deal with the relevant issues in each case at an early stage and increase co-operation between the Defence and the Crown. On the other hand Defence attorneys need to ensure that the accused constitutional and legal rights are not compromised. We will monitor the operation of this innovation with these considerations in mind.

Members of the Committee attended seminars and workshops dealing with the implementation and possible difficulties with Case Management. Ensuring that disclosure is carried out in a timely manner remains a major concern.

Representation was made by Ms. Martin to the Joint Select Committee of Parliament on behalf of the Bar Association in respect of the Financial Investigations Division Bill being considered by Parliament.

C8. INTELLECTUAL PROPERTY COMMITTEE

Anne-Marie White-Feanny -Chairperson
Sanya Goffe -Convenor

Yvonne Bennett	Roxanne Miller
Analisa Chapman	Simone Pearson
Kathryn Cousins	Hilary Reid
Dianne Daley	Andrea Scarlett-Lozer
Deidre English-Gosse	Kaydian Smith
Peter Goldson	Joanne Wood-Ratray
Stephen Greig	Norman Wright
Judith Hanson	Ronald Young
Reba Harper	
Grace Lindo	

The Intellectual Property Committee has had another productive year. The Committee has grown in number and the increased level of enthusiasm of Committee Members has been inspiring.

During the past year, The Committee has continued to focus its attention on the amendment and overall improvement of several pieces of legislation that affect the practice of intellectual property. Most importantly these include the Patent Bill and amendments to the Trade Marks Act and Rules.

The Committee has worked closely with the Jamaica Intellectual Property Office (JIPO) in resolving issues that affect members in the efficient running of their practices and is encouraged by the positive and enthusiastic efforts of JIPO in this regard. The Committee also worked closely with JIPO with respect to the issuing of an independent journal for the advertisement of trade mark applications for the purposes of opposition.

Members of the Committee recently met with the Minister of Industry, Investment & Commerce to discuss the implications and impact of the Madrid Protocol. We continue to engage the Ministry in relation to the issues that touch and concern the Protocol.

The Committee anticipates another exciting and positive year and hopes to continue to make valuable contributions to the Bar Association and Jamaica.

C9.MEMBERSHIP COMMITTEE

Ian Wilkinson -Chairman
Jade Hollis -Convenor

Audrey Allen	Katherine Francis
Danielle Archer	Haydee Gordon
Yvonne Joy Crawford	Sashawah Grant-Newby
Tamara Dickens	Jade Hollis
Ann-Marie Feurtado-Richards	Nigel Parke
Toni-Ann Foster	Jerome Spencer

The Membership Committee (*"MC"*) continued its renaissance by concentrating on the mentorship programme. Close to two hundred (200) names/persons were selected as mentors. The MC also put in place a plan to assign mentors for graduates from the Norman Manley Law School for the last four years. A function to welcome the new members of the Bar is to be held shortly.

Of particular interest during the year was the involvement of students from the Norman Manley Law School who were made a special class of members (*"affiliates"*) of the JBA with limited rights.

Membership of the JBA increased steadily particularly in light of the introduction of the initiative that made becoming a member easier (applying without having to be nominated etc). The various benefits of membership were also highlighted. The MC also continued to assist in the collection of outstanding dues to the JBA.

The MC will be increasing its activities in the 2010-2011 period with particular emphasis on increasing membership, especially from the Public Bar, and by highlighting the benefits of being a member of the JBA.

C10. SOCIAL AFFAIRS COMMITTEE

Jade Hollis- Chairperson
Sanya Goffe – Immediate Past Chairperson
Yualande Christopher
Dylan Coke
Robert Collie
Shuana-Kaye Hanson
Jade Hollis
Melissa James
Denise Kitson
Emile Leiba
John Leiba

Grace Lindo
Gisele Morgan
Janet Morrison
Janna Patel
Hilary Phillips, QC
Stacia Pinnock
Candice Stewart
Ronald Young

The Social Affairs Committee had an eventful and successful year of activities and fundraisers. The Committee kick started the year with our successfully branded fete BAR BEAT which saw the Village Blues Bar filled to capacity with patrons dancing to good music all night in a positive secure atmosphere.

The annual Bar Dinner was overwhelmingly supported by members who enjoyed themselves in the company of family, friends and colleagues as three stalwarts of the profession, the Chief Justice Lensley Hugh Wolfe, O.J (Retired), Ms. Velma Hylton Q.C and Mr. Frederick Clive Hamaty, C.D, Q.C, J.P were honoured by the Association.

The Committee continued its partnership with the CLE Committee and Kingston Bookshop to ensure legal texts, journals and other useful reference material were available to members for purchase at drastically discounted prices at CLEs held during the year.

In December the Committee staged a Talent Show and Concert for the girls at the Glenhope Place of Safety. Members of the Committee along with several of the girls from the Home participated in the talent portion of the evening. Afterwards, we were all treated to an energetic and exciting performance by the popular reggae group T.O.K. T.O.K delivered a

performance worthy of any international stage and the girls had an enjoyable evening we are confident they will remember for years to come. The girls were also treated to lots of food and drink and a gift bag filled with lots of goodies.

The baton of Chairmanship of the Committee was passed in January to Ms Jade Hollis, a hard-working a dedicated member of the Committee. The Committee is looking forward to another year of exciting activities geared at bringing members of the Association together. Members are encouraged to support and participate.

C11. TELECOMMUNICATIONS, BROADCASTING & TECHNOLOGY COMMITTEE

Nicole Foga - Chairperson

Roxanne Miller – Secretary

Chukwuemeka Cameron

Analisa Chapman

Dianne Daley

Dianne Edwards-Leslie

Deidre English-Gosse

Georgia Gibson-Henlin

Sonia Gill

Gavin Goffe

Stephen Greig

Stacey Mitchell

Arturo Stewart

Shena Stubbs

Sharma Taylor

MEETING SCHEDULE

The TBTC meets monthly at 7 Stanton Terrace, Kingston 6, on the last Wednesday of each month at 4:30 p.m. and continues to welcome as members persons interested in the legal issues related to information and communication technology and the use of technology in law practice management. Nine (9) meetings were held from April 2009 to March 2010.

ICT PROJECT PROPOSAL

The TBTC, further to meetings with the Chief Justice and a presentation in September 2009 from Mr. Sheldon Gray, IT Administrator for the Supreme Court, developed an Information and Communication Technology (ICT) Project Proposal for Grant Funding. The ICT Project Proposal aims at promoting increased access to justice and expediting the delivery of legal services and the dispensation of justice. With the funding and support obtained, the Jamaican Bar Association (JBA) will be able to significantly contribute to the implementation of a modern technologically efficient judicial system while strengthening and building its own capacity to better respond to the challenges of legal reform. The proposal has been submitted to the Bar Council for review and approval.

REAL TIME COURT REPORTING

The Committee's input was invited by the JBA President on steps needed to be taken to facilitate Counsels' access to real time court reporting. Based on the Committee's discussions with IT personnel at the Caribbean Court of Justice and the Jamaican Supreme Court we were able to ascertain that the software currently being used in the Supreme Court which allows judges access to contemporaneous transcripts can also be used by Counsel. The current limitation therefore is not the unavailability of the software but rather the absence of the hardware and a timetable for the deployment of the technology throughout the courtrooms in the Supreme Court. The ICT Project Proposal seeks to address this limitation and facilitate access by Counsel to real time Court reporting in the Supreme Court and Court of Appeal.

TOUR OF THE SUPREME COURT

Committee members toured the Supreme Court focusing on the use of technology in the court system. Members were able to view the ICT hub for Jamaica's court system and the technology facilitating the deployment of real time court reporting in some of the Courts.

IN MEMORIAM

The Committee noted with regret the passing of Mr. Justice Langrin who chaired the Telecommunications Appeals Tribunal established pursuant to the Telecommunications Act. Condolences were extended to his widow and family.

CYBERCRIMES ACT

The Cybercrimes Bill was circulated to members for comment and was the subject of Committee discussions. The Committee welcomed the passage of the Cybercrimes Act in February 2010 and eagerly looks forward to the tabling of Data Protection and Privacy Bills.

ISSUES DISCUSSED

During the period under review the TBTC tracked local developments in the ICT sector and noted the Privy Council decision delivered 21st January 2010 in Mossell (Jamaica) Limited T/A (Digicel) vs. OUR, CWJ & Centennial. In that decision the Privy Council determined the extent to which the Minister with responsibility for Telecommunications acting pursuant to the Telecommunications Act can give directions to the OUR and the validity of a 22 May 2002 Determination Notice issued by the OUR which contravened a Ministerial Direction.

The following issues emerging in the areas of telecommunications, technology, and broadcasting were also discussed:

- (i) Electronic Filing of Court Documents and Electronic Discovery.
- (ii) Digital Evidence and the use of Technology to Identify Accused Persons.
- (iii) Liability of ICT service providers for defamation in relation to content carried over their networks.

D. FINANCIAL STATEMENTS

Audited accounts of the Association to be tabled at the Annual General Meeting were posted on the Web site www.jambar.org to be reviewed by members prior to the meeting.

E. SUBSCRIPTIONS

The Association continues to struggle from the lack of financial support from members in the form of payment of annual subscriptions. A significant amount of time and effort has been expended in a drive to collect the arrears from members.

Notwithstanding, a significant number of members continue to be in arrears of subscriptions, which are the Association's main source of support. Members who do not pay their subscriptions continue to cause the Council great concern.

Article 3 (b) of the By-Law allows for the suspension or expulsion of any member who has failed for six (6) months after demand in writing to pay his subscriptions.

F. THE HOME OF THE BAR: JAMBAR HOLDINGS LIMITED

Jambar Holdings Limited was incorporated on the 15th November 1989, *inter alia* to acquire the assignment of the lease of 78-80 Harbour Street, renovate the building and manage the property. The Association is the majority shareholder. A number of individual attorneys and firms also hold shares, as well as the General Legal Council and Mentors Limited, an associated company of PriceWaterhouse Coopers(PwC).

The Association took manages the property, as well as the company. Aside from the Association and the General Legal Council, there are other tenants in the building, including the Public Defender, a restaurant named The Orchard and an archive for PwC.

G. JUDICIAL APPOINTMENTS

The Bar Association's nominees on the Judicial Services Commission are Mr. David Muirhead, QC and Rev. Dr. Roy Henry. Regular consultations were held with our nominees during the year. As in the past, the applications for appointment of the Resident Magistrates are referred to the Council by the Chief Justice. Council considers these and provides the Chief Justice with its views whenever possible. The Council urges members of the Private Bar to make themselves available for appointment to judicial office whenever the occasion arises. The Association is able to interface with the Judiciary through the Consultative Committee of the Bench and Bar.

H. QUEEN'S COUNSEL

The Chief Justice chairs a committee which considers the appointment of Queen's Counsel. During the period under review, no applicants were recommended by the Council to be admitted to the Inner Bar.

I. REGIONAL ASSOCIATIONS

There are three (3) regional Associations:

- (1) Northern Jamaica Law Society
- (2) Southern Bar Association
- (3) Cornwall Bar Association.

J. COUNCIL OF LEGAL EDUCATION

The Association's representatives on the Council of Legal Education were Mrs Jacqueline Samuels-Brown and Miss Jacqueline Cummings, with alternate Mr. Joswyn Leo- Rhynie, QC. Ms E Anne Henry is the Chairperson of the Council.

K. ROBING ROOM

The Robing Room at the Supreme Court is set aside for Counsel. Lockers have been installed and are rented annually to Attorneys. A modest fee is charged to defray cost, but many subscribers are in arrears in the payment of this fee. There is also a small Robing Room in the Court of Appeal with two bathrooms and a small kitchen. This is also being maintained by the Association at no charge to attorneys using it. However the condition of the Robing Room in the Supreme Court needs immediate attention. It is hoped that a new Robing Room will be part of the plans for the expansion of the Supreme Court and Court of Appeal.

L. OBITUARIES

Hon. Mr Justice Kenneth Smith, OJ (ret'd)
Hon. Mr Justice Ransford Langrin, CD, QC (ret'd)
Mr. Glen Andrade, QC

May their souls rest in peace.

Gavin Goffe
Secretary
April 2010