

SUPREME COURT OF BARBADOS

**APPOINTMENT TO THE OFFICE OF
JUSTICE OF APPEAL
OF THE COURT OF APPEAL**

GUIDE FOR APPLICANTS

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PART 1

INTRODUCTION

- 1.1 The purpose of this Guide is to assist applicants for the office of Justice of Appeal. It is arranged in four parts.

Part 1

This gives a brief outline of the contents of the Guide.

Part 2

This outlines the **eligibility requirements** and the **criteria** applicants must satisfy before the Judicial Appointments Committee will consider them for appointment. It also explains the **appointment procedure** and outlines how the Committee will obtain the comments of referees.

Part 3

This gives important advice on **making an application**.

Part 4

This contains a **summary of the terms and conditions** of Justice of Appeal.

- 1.2 **Applicants are advised to ensure that they read and fully understand the contents of this Guide before they complete and submit their application form.**

PART 2

ELIGIBILITY REQUIREMENTS

- 2.1 A person is qualified for appointment as Justice of Appeal of the Court of Appeal who (a) is a Judge of the High Court of Barbados; or (b) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or of a court having jurisdiction in appeals from such a Court; or (c) is or has been a Judge of a court of unlimited jurisdiction in civil and criminal matters in a common law jurisdiction or of a Court hearing appeals from such a Court; or (d) is qualified to practise as an attorney-at-law in Barbados or some part of the Commonwealth or in a common law jurisdiction for not less

than 15 years. In addition, a Professor or teacher of law who has been qualified to practise as an attorney-at-law in Barbados for 15 years is eligible for appointment.

- 2.2 An applicant must be in good health. In particular, he/she should have satisfactory sight and hearing [with technological assistance if required] and should also be able to sit and to concentrate for long periods of time.
- 2.3 An applicant must be a person of high integrity and who conducts himself/herself at all times, both in his/her professional and personal lives, in a manner that will maintain public confidence in the standards of the judiciary.
- 2.4 The Judicial Appointments Committee will recommend for appointment the candidate who appears to it, to be best qualified, with reference to the criteria [see paragraph 3.1], regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfillment of the physical requirements of the office.
- 2.5 If you are unsure whether or not you are eligible to apply, please communicate with the Secretary of the Judicial Appointments Committee, who will be able to assist you.

3. CRITERIA FOR APPOINTMENT

- 3.1 The Judicial Appointments Committee will only recommend for appointment individuals who best satisfy the eligibility criteria and display the following attributes to the highest degree.

Legal Knowledge and Experience

Successful candidates will have attained

- [a] A high level of understanding of the principles of law and jurisprudence.
- [b] A comprehensive knowledge of the rules of evidence and of court practice and procedure.

Skills and Abilities

- [a] Sound judgment, being able to:
 - exercise discretion effectively;

- apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and
- consider competing arguments and reason logically to a balanced conclusion.

[b] Intellectual and analytical ability, being able to:

- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall such evidence and information speedily and accurately;
- apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not; and
- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation.

[c] Decisiveness:

Having the ability to reach firm conclusions [often at speed], to think, decide and act independently of others, and to rely on their own judgment.

[d] Communication and listening skills:

Being able to communicate effectively with all types of court users, whether they are litigants, counsel, court staff, witnesses, members of the jury, or children, giving instructions, explaining complex issues and giving decisions in judgments clearly and concisely, both orally and, where necessary, in writing.

[e] Authority, being able to:

- command the respect of court users and maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing;
- **deliver judgments in a timely manner and in accordance with the constitutional provision to do so within 6 months.**

- [f] Keeping abreast of legal developments and court technology.
- [g] Applicants must be computer literate.

Personal Qualities

[a] Integrity:

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts;
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary: and
- Having the trust, confidence and respect of others.

[b] Fairness:

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside; and
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.

[c] Understanding of people and society:

Having a knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

[d] Maturity and sound temperament:

- Displaying a maturity of attitude and approach; and
- Being firm and decisive while remaining patient, tolerant, good-humoured and even-tempered.

[e] Courtesy and humanity:

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of, the needs and concerns of court users, and being sensitive and humane.

[f] Commitment:

A commitment to public service and to the proper and efficient administration of justice, which they pursued conscientiously, with energy and diligence and a due sense of responsibility.

4. THE APPOINTMENT PROCEDURE

General

- 4.1 Applications are welcome from all those who satisfy the published eligibility requirements.

Confidentiality

- 4.2 The Judicial Appointments Committee will treat all applications and supporting information as confidential save for the consultation process when the persons consulted shall be notified of the candidates so that they may provide feedback if they so desire.

Interviews

- 4.3 Selected applicants will be invited to an interview.

Consultation

- 4.4 Shortlisted applicants will be provided with the referee forms and guidelines for referees. You will be responsible for sending the form and guide to each of the two persons whom you would have listed at Referees on the application form. The forms should be distributed to the referees by the applicant but should be returned to the Secretary, the Judicial Appointments Committee directly and not through the applicant. Failure to comply with the instructions will result in the reference being rejected.

Allegations of misconduct

- 4.5 The Judicial Appointments Committee will attach no weight to un-particularised allegations of misconduct. It will consider any specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct is made, the Judicial Appointments Committee will send details of the allegation to the applicant, to enable him or her to comment on the allegation.

The Judicial Appointments Committee emphasises that if consent is not given to reveal details of any allegations of misconduct to the applicant concerned, it will disregard the allegation.

- 4.6 This applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional abilities and qualities. For practical purposes, 'misconduct' refers to conduct which, if the allegations were substantiated, would be regarded by a professional Association as an infringement of the relevant principles of professional conduct.

Assumption of Duty

- 4.7 If a candidate is appointed, he/she would be expected to take up the appointment as soon as possible, subject to a reasonable period being allowed for disengagement from existing obligations.

PART 3

5. MAKING AN APPLICATION

Obtaining the Application Form

- 5.1 Copies of the Application Form for appointment as Justice of Appeal can be obtained from the Court's website at the following:

<https://www.barbadoslawcourts.gov.bb/judicial-system/judicial-vacancies/vacancies-in-the-court-of-appeal>

- 5.2 Your signed application form may be sent by post, courier, or scanned and emailed provided that it gets to the Secretary of the Committee by the deadline date. If you do send your application by post, it must be post-marked on or before the deadline date.

Acknowledgement of an Application

- 5.3 Applicants will receive a receipt acknowledgement via email once their application is received by the Secretary, Judicial Appointments Committee on receipt of the applications. However, only suitably qualified applicants will receive a further notification indicating whether they have or have not been shortlisted for interview.

Completing the Form

- 5.4 Your application should be typed or completed clearly in black ink, with any additional information, attached to the back of the completed form. Please ensure that you sign and date the form.
- 5.5 The information relating to outstanding decisions and/or part-heard matters, requested at Section C5 on the application form, may be subject to verification by an application to the Registrar of the Supreme Court of the jurisdiction where you are a Judge.
- 5.6 An unsigned Application Form will not be accepted.

A copy of the Personal Details Page of Passport along with a certified copy of your Birth Certificate as well as certified copies of all relevant academic certificates or official transcripts should be submitted along with the Application Form.

Your Address

- 5.7 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary of the Judicial Appointments Committee of any changes to the information supplied under this heading.

Referees

- 5.8 The Judicial Appointments Committee invites you to provide the names and professional addresses of two persons, at least one of whom is or has been a member of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial Appointments Committee will provide you with the referee form and guide which you will send to the persons named on the application form as referees. The consultation process is to enable the Judicial Appointments Committee to have the widest possible views on applicants. Only referee forms received directly from the referee will be considered. **Only candidates who are shortlisted will be required to provide references.**

Withdrawal

- 5.9 You may withdraw your application for the position of Justice of Appeal at any time by writing to the Secretary of the Judicial Appointments Committee.

Health Issues

- 5.10 If you are aware of any health matter which might adversely affect your performance in judicial office, this must be stated at the outset.

Contact Information

- 5.11 All communication and enquiries in relation to your application should be forwarded under confidential cover to the Secretary of the Judicial Appointments Committee at the following address:

**Miss June Christian
Secretary
Judicial Appointments Committee
C/o The Law Reform Commission
Henry Forde and David Simmons Legal and Judicial Complex
Coleridge Street**

Bridgetown
BARBADOS
Tel No.1-246-536-0560/0566;
Email: supremecourt.jac@barbados.gov.bb

Please note that all written communication should be submitted under confidential cover and sent by post, courier, or email.

PART 4

SUMMARY OF TERMS AND CONDITIONS FOR APPLICANTS FOR THE OFFICE OF JUSTICE OF APPEAL

1. General

Included below is a summary of the basic terms and conditions of service. Fuller details will be supplied to candidates who are offered appointment.

2. Terms and Conditions

Salary	-	BDS\$186,203.70 per annum
Judicial Allowance (non-taxable and pensionable)	-	BDS\$36,987.33 per annum
Entertainment Allowance	-	BDS\$23,707.59 per annum
Telephone Allowance	-	BDS\$3,263.88 per annum
Robing Allowance	-	BDS\$8,500.00 payable once
Transport Allowance	-	BDS\$13,349.48 per annum OR a car fully maintained by Government

There is no provision for housing or a housing allowance.

3. Tenure

Under section 84 of the Constitution, a Justice of Appeal shall hold office until age 70 but there is provision for that age to be extended to 72 on application by the Judge and approval by the Prime Minister.

4. Vacation Leave

42 days per annum.

In addition, the Supreme Court will be placed on vacation leave for such period as is determined by the Chief Justice. However, during such vacation of the Court, Judges must be on duty for such period as the Chief Justice determines.

5. Pension

The appointment is pensionable in accordance with Section 4 and 6 of the *Judges (Remuneration and Pensions) Act, Cap.115A*.

6. Code of Conduct

A Justice of Appeal will be expected to conform to the Guide to Judicial Conduct 2006 as may be amended from time to time.