

**ADDRESS BY THE HON. SAMUEL BULGIN QC, JP, ATTORNEY
GENERAL TO THE ANNUAL GENERAL MEETING OF THE
JUSTICES OF THE PEACE ASSOCIATION, CAYMAN ISLANDS ON
TUESDAY 24 MAY, 2022 AT THE GEORGE TOWN, YACHT CLUB**

Because I intend to take no more than approximately ten minutes of your time this evening, I am going to dispense with some of the salutations but would still wish to again recognize the presence of HE the Governor & Mrs. Roper. His presence here this evening is not out of compulsion rather, HE is a champion for the rule of law and a fierce advocate for the administration of Justice – Welcome again Sir.

I want to spend the next few minutes to briefly speak to you about the concept of access to Justice – an issue with which, as partners in the administration of Justice, you can readily relate! So I want to touch briefly on the concept from a Cayman perspective.

Access to Justice has a lot of fancy iterations but at its core it means no more than: that whenever someone has a legal matter/issue – there is a framework in place whereby they can access affordable legal advice and or representation and there is an opportunity to have it resolved by a competent court, if needs be.

You would have observed that we covered quite a bit in this very general definition. The starting point is however recognising that there is a legal issue – then someone or somewhere to turn to for advice/representation – but there should be the ability to obtain that representation at an affordable rate, or if you can't pay, then, depending on the nature of the dispute, the state should have a system whereby you can be afforded legal support or assistance to resolve your matter.

It might also be necessary in some instances, to go to court, therefore there should be a court that is independent and comprises of competent and impartial judges. As JP's, you make up part of this aspect of the access to Justice framework, you are sometimes called upon to preside

over these disputes – and you have and continue to do so in an independent and impartial manner!

Indeed, Cayman has one of the finest judicial system in the world – starting with you and our Magistrates, up to the Summary court, the Grand court, court of appeal and then on to the HM Privy Council in the UK.

In all these various areas and tiers that make up the access to Justice chain the Cayman Islands as a jurisdiction has been remarkably blessed. By way of example: For a population of approximately 70 thousand we have approximately 900 lawyers that is almost one attorney to every 77 persons on the Islands. An excellent ratio on the face of it. I can hear the whisper saying, that “but they are not always affordable”; and that is a reasonable observation – but the various governments over the years have endeavoured to put systems in place for those who are unable to afford an attorney for certain matters, to be able to have one.

There is a fully functioning legal-aid system which has its offices at the Clerk of Courts office – where deserving persons are invariably able to obtain legal aid, especially in family disputes involving children, and domestic violence. And just last week we also unveiled a small legal-aid clinic in partnership with the Law School, the Judicial Department, and members of the private bar, again so that persons can get assistance from lawyers and law students from our law school.

There is also the women (Legal Befrienders club); There is also a JP support desk operated by you at the lobby of the Government Administration Building where you provide certain services some days of the week. Thanks to your JP assn. for such a marvelous initiative.

Governments have also enacted legislation to facilitate and enhance access to justice. I have already mentioned legal-aid; But we also have a law called the Private Funding of Legal Services Act – passed in 2020. – For present purposes I will refer to it as the no win no fee law. It's a bit more detailed but at its core it includes a conditional fee arrangement

whereby if the lawyers doesn't win the case he gets no fee/pay. Similarly, we also put in place another piece of legislation which would enable a court to grant what is called a protective costs order in certain proceedings if you bring a claim against the government. The law will limit how much a person would have to pay as costs if he/she is unsuccessful. In some cases the court order may remove that liability altogether.

It follows that in certain cases a person will not have to be afraid to litigate their claim against government simply because if they are unsuccessful they will be hit with a massive bill or costs. They can now get protection from the court in certain cases even if they were to lose the case.

And while I am on the issue of legislation, permit me to touch briefly on how persons can access the laws passed by our Parliament as well as case laws from the courts, so that at any given time they can know exactly what the law is.

The most recent initiative in this regard is a website rolled out by the Attorney General's Chambers a few years ago and is easily and readily accessible to all at absolutely no costs. It is free and is also available at some of the public libraries – meaning persons can go to a public library and use the computer there to log on and read the laws.

It is called the legislation.gov.ky and is extremely user friendly. – (Explain)

I am going to arrange a demonstration for your association and will be in touch with Mr. Donnie and Christine to arrange.

This topic of access to Justice could take up an entire evening to talk about – but let me just touch briefly on the final aspect of access to justice, for this evening.

That is the right, the ability, if you will, to have a fair hearing before an independent and impartial court/tribunal! It is as you know a basic constitutional/human right of every citizen.

Here again our system in the Cayman Islands in this regard, is nothing short of stellar. You would have heard the saying all the time that

Cayman has some of the best judges in the world. Judges who are the envy of other countries. I confirm that, that is correct.

At all tiers of our court system, starting with our Justices of the Peace, our Summary Court Magistrates, our Court of Appeal judges, and of course going all the way to our final court of appeal – the UK Privy Council.

This augurs very well and is good news for all those who resides, traverses, and do business from and through these Islands. Our court system is modern, it is efficient, it is competent and very importantly, it is independent and impartial. And it is ably supported by a robust and independent legal profession.

Persons are able to have their cases heard within a reasonable time and receive written decisions in relatively short order. They enjoy the ability to appeal in some cases all the way to the UK Privy Council.

There are other components to the court system: We have many persons and JP's who sit on and continue to preside over a number of important

Tribunals which are also involved in dispute resolutions and dispensing justice. Indeed, we have Immigration, Planning, Labour, and other similar tribunals – all extremely important in conflict resolutions and are essential for maintenance of the rule of law in a modern democratic society.

And so colleagues, and partners, in the administration of justice, I feel very confident in saying to you this evening that as far as the concept of access to justice goes – the Cayman Islands have done and continue to do an excellent job in giving meaning to it. Everyone, the rich, the not so rich, the ordinary person, the business tycoons, residents, expatriates, the young and the old, all do enjoy the right and have the ability to access justice. Be it competent and affordable legal advice and representation, and a fair hearing before an independent and impartial court or tribunal. I so proclaim without fear of any credible contradiction.

I thank you for listening to me and giving me your attention.

Before I sit down allow me to congratulate the incoming new President Mr. Dixon and his JP Association Council and to say well done and thanks to the ongoing President and Council. Please keep up the stellar service.

Good Evening!