

**Remarks By the Hon. Samuel Bulgin KC, Attorney General  
at the Valedictory Ceremony for Sir Anthony Smellie at the  
Grand Court, Grand Cayman on the 16<sup>th</sup> January 2023.**

My Lady Chief Justice, My Ladies, My Lords.

It is certainly a pleasure and a privilege to rise to speak on this, the occasion of the sitting in honour of the retirement of the former Chief Justice the esteemed, Sir Anthony Smellie. It is an opportunity to celebrate the remarkable achievements of Sir Anthony, and to publicly thank him for his profound contributions to the law and Judiciary, both local and regional.

Due to time constraints I would, in rather summary fashion, pick up the leg of his illustrious career journey which started at the Resident Magistrates Court in Westmoreland, Jamaica as Clerk of Courts in 1976, shortly after graduating from the Norman Manley Law School. He was one of the first batch of students from Norman Manley Law School.

It was clear then from his first appearance at the Magistrates Court that he was destined for much higher office than that of Clerk of Courts.

That realization came about shortly thereafter in the following year when he was transferred to the Office of the DPP in Kingston as Crown Counsel, and rose to the rank of Assistant Director of Public Prosecutions. He was formidable but fair.

No surprise, I dare say, when he was snatched up by the Chambers of the Attorney General in Cayman in 1983 where he served with distinction and admiration until 1992, rising to the position of Acting Attorney General.

His interactions with colleagues, the Bench, litigants, and witnesses during his career can best be described as anchored by a social conscience, a sense of civility and professionalism, and wide ranging interests.

His outputs were of staggering volume and variety. It was a period during which his energy, his legal scholarships, his negotiating skills were put on full display in his advocacy on behalf of the Cayman Islands Financial Services Industry, be it as a founding member and a very public face of the regional Caribbean Financial Task Force; in the negotiation of treaties, agreements, (bilateral and otherwise) on behalf of these Islands; as legal examiner in the mutual evaluation of the USA using the FATF Recommendations; or in fierce defence of Cayman's preferred tax regime and framework.

That decade from 1983 to 1993 was one of the most challenging periods with respect to development, transitions, and international relations in the history of these Islands and Sir Anthony was one of the many ambassadors championing the legitimacy of our financial services industry.

His contribution to the shaping of the legal pillars of our now modern financial services industry is best described as legendary and stellar. It included the crafting and piloting of cutting-edge legislation, the negotiations of bilateral agreements, and his advocacy in the courts and international fora. It was those efforts, together with others, that helped to lay the foundation for what is now our envied international financial services industry. It was also a period that, *inter alia*, saw him earning public recognition for, among other qualities, his excellent legal acumen and notably, he took silk during that period.

Amongst his peers in the legal fraternity, the whisper was “a matter of when” he would be corralled into the service of the Judiciary.

Happily, it wasn't too long a wait. In 1993, to the surprise of none, but rather to the delight of the many, Sir Anthony transitioned from the bar to the Bench. A much celebrated climb!

His ability for instant articulation of an argument; his careful attention to detail of every case; his unfailing courtesy to judicial colleagues, counsel, litigants and witnesses alike; his strident support for the concept that “to every wrong there should be a legal remedy”, his unquestionable sense of independence, impartiality, integrity, propriety; his demonstrable ability for equality, diligence, fairness, his phlegmatic temperament and all his other attributes confirmed his eligibility for such an office of public service.

However, there were plenty of discerning eyes around in 1998. Those who recognized at the time that given his passion, vision, his sense of leadership and direction and impeccable credentials, that the opportunity to lead, mold, and shape the Judiciary going forward was a role he could assume with consummate ease, and so he was, again, not surprisingly, entrusted with what we would eventually come to accept as the pinnacle of his career, the position of Chief Justice of these beautiful Islands.

His outstanding stewardship at the helm of the Judiciary is a matter of public record and of public pride. It has been visionary, transformational and impactful. The Grand Court grew from a mere three judges to a stage where it now has a weekly roster of up to twelve. The Grand Court now has several divisions, the physical facilities have been expanded, Judicial Administration and the Courts are now technology-driven; there is now an ADR framework in place - work led by himself and Justice Williams.

The Courts have benefitted immensely from his passion and advocacy for continuing judicial education, and his support for the concept of access to justice and open justice.

And significantly, Sir Anthony has been a robust advocate for, and defender of judicial independence, another hallmark of his long tenure.

His scholarly and illuminating judgments – some of which will be considered in detail at the conference to follow this ceremony - have covered every conceivable area of law; these include the landmark case of SAAD Investments in 2012. His many rulings, demonstrate the social relevance of the law and how it reflects the changes and developments around us.

Sir Anthony's tenure has also included more than 20 years' leadership of the Grand Court Rules Committee, the Legal Advisory Council, and his role as Central Authority for the USA/Cayman Mutual Legal Assistance Treaty, and work with the International Association of Restructuring, Insolvency & Bankruptcy Professionals.

Sir Anthony will also be remembered for training, nurturing and support for younger members of the Bar, his excellent support for and working relationship with his judicial colleagues, as well as other members of the public service – the police, legislators,

Governors, Justices of the Peace and regional judicial colleagues alike. And we cannot forget his gift for collegiality, his sense of compassion and his ability to detect latent possibilities in others and to encourage and support them.

Sir Anthony's excellent leadership of the Judiciary was also demonstrated during the period of the worst pandemic that we have seen for decades. Despite the immense challenges brought by the pandemic including isolation and social distancing, he ensured that there was still access to justice, albeit with some understandable conditions.

The stage was set, and it was only therefore fitting that, Sir Anthony, in recognition of his illustrious and outstanding legal career, was publicly recognized by the conferral of Knighthood from Her late Majesty the Queen in 2022 - KCMG, Knight Commander of the Order of Saint Michael and Saint George (KCMG) for services to law and justice in the Cayman Islands and the Caribbean.

Lastly, Sir Anthony was also renowned for his ability to combine the burdens and joys of work and family respectively. And here, I pay tribute to Lady Jackie and family for allowing Sir Anthony to give so much of his time to the service of the law and justice.

Happy retirement, Sir Anthony and thank you!

**Hon. Samuel Bulgin KC**

**Attorney General**

**16<sup>th</sup> January 2023**