



Judicial and Legal
Services Commission

2024 Annual Report

judicialandlegalservicescommission.ky

Table of Contents

Foreword	3
Message from the Chairman	
Establishment and Constitutional Mandate	4
Commission's Powers and Functions	5
Organisational Structure and Governance	6
Meetings Held During the Reporting Period	7
Appointments and Selections	8
Overview of Appointments Made During the Reporting Period	9
Court of Appeal Appointments	9
Grand Court Judge Recruitment Exercise	9
Legal Office-Holder Appointments	9
Acting Grand Court Judge Appointments	10
Acting Magistrate Appointments	10
Appointment Statistics	11
Disciplinary Oversight	12
Overview of Complaints Process	13
Complaints Statistics	13
Legislative Developments	14
JLSC Bill	15
Policies and Procedures	16
Policy Updates Made During the Reporting Period	17
Acting Panel of Grand Court Judges	17
Appointments to the Court of Appeal	17
Judicial Code of Conduct	18
JLSC Complaints Procedures	18
Appendices	19
Current JLSC Membership	20
Contact Information and Acknowledgements	20



Foreword

Message from the Chairman

It has been a great privilege to serve as Chairman of the Judicial and Legal Services Commission (JLSC) in 2024, my first year in this role. The opportunity to work alongside such dedicated and distinguished colleagues to support the continued strength and independence of the judiciary in the Cayman Islands is both humbling and rewarding.

The importance of the Commission cannot be overstated. A strong, independent judiciary is a cornerstone of democracy, vital for upholding the rule of law and fostering public confidence in the legal system. This is particularly significant for a jurisdiction like the Cayman Islands, where transparency, fairness, and good governance are essential not only to the well-being of our community but also to our standing on the international stage.

I wish to extend my sincere gratitude to the members of the Commission, whose unwavering commitment and expertise have been invaluable throughout this year. Their hard work and thoughtful deliberations have ensured that we maintain the highest standards in judicial and legal appointments. I also wish to thank Her Excellency the Governor, Jane Owen, for her continued support and collaboration in the work of the Commission.

The past year has been one of significant achievements for the JLSC. Among our key accomplishments:

Judicial Appointments: The Commission provided advice to the Governor on several judicial appointments, both acting and permanent, resulting in the appointment of two justices of the Court of Appeal, three Magistrates and seven Grand Court Judges. These appointments have strengthened the judiciary and ensured that the Cayman Islands remains well-equipped to handle its caseload efficiently.

Policy and Procedural Developments: We made several important updates to JLSC policies and procedures:

- **Acting Panel of Grand Court Judges:** The establishment of a panel of acting judges to be deployed when vacancies arise or when no current Grand Court Judge is available to oversee a case. This initiative has built a reliable pipeline of qualified candidates.
- **Appointments to the Court of Appeal:** Enhancements were made to allow greater flexibility in reappointments, ensuring the Cayman Islands can continue to benefit from the vast experience and legal acumen of long-standing Court of Appeal Justices.
- **Judicial Code of Conduct:** Modernised to align with the UK's standards, including updated language addressing social media conduct, thereby reflecting contemporary judicial ethics.
- **JLSC Complaints Procedures:** Clarified the roles of the JLSC, the Chief Justice, and the President of the Court of Appeal in handling complaints, making the process more transparent and efficient.

Looking ahead, the Commission remains committed to pressing forward with the enactment of the JLSC Bill, which will introduce important changes to our legal framework. Notably, it will extend the scope of the Commission to cover legal office-holders, further strengthening governance in the judicial and legal services sectors.

While much has been accomplished, there is still much to do. I look forward to continuing the vital work of the Commission in the year ahead, ensuring that the judiciary and legal services in the Cayman Islands remain strong, independent, and exemplary.

A stylized, handwritten signature in blue ink, appearing to read 'Julien Freeland'.

Julien (Nick) Freeland
Chairman, JLSC

Establishment & Constitutional Mandate



The JLSC is one of the bodies established under the Cayman Islands Constitution Order (2009) which aims to support democracy by creating openness and transparency in modern governance.

Section 106 of the Constitution sets the context for the JLSC's functions:

- 106 (1)** The power to make appointments to the offices to which this section applies, and to remove persons holding or acting in such offices, shall vest in the Governor, acting in accordance with the advice of the Judicial and Legal Services Commission. However, the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice His Majesty's service.
- (1A)** The power to exercise disciplinary control over persons holding or acting in the offices of the Attorney General, Director of Public Prosecutions, or such other offices prescribed by law shall vest in the Governor, acting in accordance with the advice of the Judicial and Legal Services Commission. The Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice His Majesty's service.
- (1B)** The power to exercise disciplinary control over any person holding or acting in the office of:
- Magistrate or Judge of the Grand Court, other than the Chief Justice, shall vest in the Chief Justice; and
 - Judge of the Court of Appeal, other than the President, shall vest in the President of the Court of Appeal.

Commission's Powers and Functions

The JLSC holds critical responsibilities as outlined in the Constitution, including the authority to advise on judicial appointments, recommend the enforcement of disciplinary standards, and develop key governance policies. Below are key powers and functions of the JLSC:

Appointments: The JLSC advises the Governor on the appointment of senior judicial and legal officeholders, including the Chief Justice, Grand Court Judges, President and Judges of the Court of Appeal, the Attorney General, Director of Public Prosecutions, Magistrates, and other legally qualified positions as prescribed by law. The Governor retains discretion to act otherwise than on the advice of the JLSC, where necessary to safeguard His Majesty's service.

Disciplinary Oversight: The JLSC may also advise the Governor regarding disciplinary actions against judicial officeholders. The Commission conducts inquiries into complaints involving these officeholders, ensuring adherence to procedural fairness and impartiality.

Judicial Code of Conduct: The Commission is responsible for drafting and maintaining a Code of Conduct for the judiciary. This Code outlines ethical standards and principles of judicial behaviour, including up-to-date provisions on issues such as the use of social media by judicial officers.

Complaints Procedures: The JLSC has developed and regularly updates procedures to manage complaints against judicial and legal officeholders, ensuring clear roles for the Chief Justice, the President of the Court of Appeal, and the Commission itself.

Suspension and Removal Powers: Where removal or disciplinary action is necessary, the Governor may suspend a judicial or legal officeholder pending the outcome of a JLSC referral.

Policy Functions: The Commission may perform additional functions as required by laws enacted by the Legislature, contributing to ongoing improvements in judicial governance.

Organisational Structure and Governance

In accordance with Section 105(1) of the Constitution, the JLSC consists of:

- a. A Chairman and one other member, neither of whom shall be a lawyer, appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition.
- b. The President of the Court of Appeal, ex officio.
- c. A person appointed by the Governor, acting in his or her discretion, who holds or has held high judicial office in the Cayman Islands and has recent personal knowledge of the courts in the Cayman Islands.
- d. Two persons appointed by the Governor, acting in his or her discretion, who hold or have held high judicial office in a Commonwealth country or Ireland, but do not currently hold such office in the Cayman Islands.
- e. Two attorneys-at-law qualified to practice in the Cayman Islands, one with experience in Government service and one with experience in private practice, appointed by the Governor, acting after consultation with representatives of legal professional organisations in the Cayman Islands and, where appropriate, the Attorney General.

Qualifications

No person is qualified to be appointed to the JLSC if he or she is a member of, or a candidate for election to, the Parliament or (except for appointment under paragraph (e) above) holds or is acting in any public office.

Appointments

All Commissioners are appointed by the Governor, with the Chairman and one other non-lawyer member being appointed after consultation with the Premier and Leader of the Opposition.

Vacancies

The office of a member of the JLSC becomes vacant:

- a. At the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed.
- b. If he or she resigns office by writing under his or her hand addressed to the Governor.
- c. If he or she becomes a member of, or a candidate for election to, the Parliament, or (except for a member appointed under paragraph (e) above) is appointed to or to act in any public office.
- d. If the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

If the office of a member of the JLSC becomes vacant or if such member is for any reason unable to perform the functions of that office, the Governor, acting in accordance with the appointment provisions outlined above, may appoint another suitably qualified person to that office for the unexpired term of the previous holder of the office or until the holder of the office is able to resume his or her functions.

Meetings Held During the Reporting Period

Throughout 2024, the JLSC convened several Commission and ad hoc meetings to carry out its mandate. In addition to the meetings listed below, the Chairman engaged in various consultations with the Governor, the Chief Justice and other stakeholders, including discussions with the Solicitor General regarding the development of the JLSC Bill.

The following meetings were held:

Commission Meetings:

- 8 February 2024
- 24 May 2024
- 9 October 2024

Extraordinary Meeting:

- 5 March 2024
- 16 April 2024

Interviews for Grand Court Judge Recruitment:

- 30 September 2024

Appointments & Selections



Overview of Appointments Made in the Reporting Period

The JLSC plays an important role in supporting the Governor by advising on judicial and legal appointments to ensure that the Cayman Islands judiciary remains strong, independent, and capable of meeting the jurisdiction's needs. By conducting transparent and merit-based recruitment processes, the JLSC helps to uphold public confidence in the administration of justice.

During the reporting period, the JLSC provided advice to the Governor on judicial appointments, both acting and permanent. This resulted in the appointment of three Magistrates and seven Grand Court Judges, as well as the re-appointment of two Court of Appeal Judges, ensuring the continued effective administration of justice and strengthening the capacity of the judiciary to manage its caseload efficiently.

Court of Appeal Appointments

Following the expiration of their terms of appointment, the Commission considered reappointments for Sir John Goldring KC, President of the Court of Appeal, and Sir Richard Field KC, Judge of Appeal. The JLSC recommended to the Governor that both be reappointed to their posts in accordance with the JLSC Policy on Appointments to the Court of Appeal.

Grand Court Judge Recruitment Exercise

On 30 September 2024, the JLSC conducted interviews as part of a recruitment exercise for the post of Grand Court Judge. From a competitive pool of 36 applicants, five candidates were shortlisted and interviewed. These interviews were conducted both in person and via Zoom at the Commissions Secretariat offices in George Town.

The Interview Panel comprised the following members:

- **Mr Julien (Nick) Freeland** – Interview Panel Chairperson and Chairman, JLSC

- **Chief Justice, the Hon. Margaret Ramsay-Hale** – Member, JLSC
- **President of the Court of Appeal, Sir John Goldring** – Member, JLSC (via Zoom)
- **Dame Janice Pereira** – Member, JLSC (via Zoom)
- **Justice Adrian Saunders** – Member, JLSC (via Zoom)

The interview process was standardised, with each candidate answering a structured set of 15 questions designed to assess their legal knowledge, judicial temperament, and suitability for the role. Additional questions were posed where clarification was required or to explore specific points raised during the interview. Candidates were given the opportunity to ask questions and were briefed on the next steps of the process.

Following careful deliberation, the Interview Panel unanimously identified Mrs. Emma Peters as the preferred candidate for the role. Mrs. Peters distinguished herself with her interview, demonstrating extensive judicial experience and a strong capability to address complex criminal matters.

The Panel's recommendation reflected a comprehensive assessment of each candidate's legal qualifications, interview performance, and alignment with the needs of the Grand Court, underscoring the JLSC's commitment to upholding the highest standards in judicial appointments.

Legal Office-Holder Appointments

Under Section 106 of the Constitution, the JLSC holds the authority to advise the Governor on matters relating to appointments and the extension of contracts for key legal office-holders.

During the reporting period, at the request of the Governor, the Commission considered contract extensions for both the Attorney General and the Director of Public Prosecutions. After careful consideration, the JLSC made recommendations to the Governor accordingly.

Acting Grand Court Judge Appointments

The JLSC has established a list of approved individuals who may be invited to sit as Acting Grand Court Judges, in accordance with Section 97(2) of the Constitution.

During the reporting period, the following individuals were recommended for appointment as Acting Grand Court Judges:

- Justice Stanley John — February 2024
- Mrs. Kirsty Ann-Gunn — June 2024
- Justice Roy Jones — June 2024
- Mr. Ben Tonner KC — August 2024
- Justice Alistair Walters — October 2024
- Justice Dale Palmer — December 2024 (appointment effective January 2025)

More detail on how the JLSC has revised the process of establishing a Panel of Acting Judges can be found in the Policies and Procedures section of this report.

Acting Magistrate Appointments

A list of persons has been established for individuals who may be invited to serve as Acting Magistrates (“Panel Magistrates”). The procedure for appointing Panel Magistrates follows similar processes to those used for the appointment of full-time magistrates. The list is reviewed by the JLSC every two years to ensure it continues to meet the needs of the judiciary.

Acting Magistrates may be selected by the Chief Justice from the approved list and appointed without further recommendation from the JLSC. However, in situations where no Panel Magistrate is available or has the necessary expertise, a different appointment procedure may be followed, including direct suggestions by the Chief Justice to the JLSC.

During the reporting period, the following Acting Magistrate Appointments were made, following advice from the JLSC:

- Mr. Adam Roberts — sworn in by the Governor in March, April, and August 2024 following advice from the JLSC.

Appointment Statistics

Below is an overview of the judicial appointments made during the reporting period.

Summary of All Appointments in 2024

	Acting	Permanent	Re-appointments
Magistrates	3	0	0
Grand Court Judges	6	1	0
Court of Appeal Judges	0	0	2
Legal Office-Holders	0	0	2

Recruitment Exercise for the Post of Grand Court Judge – September 2024

Total Applicants: 36

Applicants by Sex	
Male	20
Female	16

Applicants Interviewed: 5

Interviewees by sex	
Male	3
Female	2

Applicants by country of residence	
Belize	2
Canada	2
Cayman	4
Jamaica	7
Nigeria	1
Small Jurisdictions -Caribbean	7
Small Jurisdictions -Pacific	1
The Gambia	1
Trinidad & Tobago	4
United Kingdom	5
United States of America	2

Interviewees by country of residence:	
United Kingdom	3
Cayman Islands	2

Interviewees by age ranges:	
50-59	3
40-49	2

Candidate selected	
Sex	Female
Country of Residence	United Kingdom

Disciplinary Oversight



Overview of Complaints Process

Judicial office-holders are bound by codes of conduct based on their appointment. Those appointed under Section 106(4) (a), (b), and (e) of the Constitution adhere to the Judiciary’s Code of Conduct. Legal office-holders, appointed under Section 106(4)(c), (d), and (f), follow the Civil Servants Code of Conduct and Public Service Values.

Members of the public may file complaints about judicial office-holders by submitting a prescribed form to the Commissions Secretariat. The JLSC may also initiate a complaint if they believe there is reasonable cause for investigation.

Complaints are reviewed by a JLSC Complaints Committee. A complaint may be dismissed if it lacks merit, relates to judicial decisions without misconduct, or concerns matters outside judicial conduct. Complaints involving alleged criminal activity are referred to law enforcement.

If a complaint is not dismissed, the Complaints Committee can refer cases to the Chief Justice or the President of the Court of Appeal, as appropriate, under Section 106 (1B) of the Constitution, or it may be assigned to an Investigator. The subject of the complaint is notified and given an opportunity to respond. The investigation may involve written submissions, oral evidence, and recorded proceedings.

The Investigator reports findings to the Governor, who may:

- Dismiss the complaint if no misconduct is found.
- Refer the matter to the JLSC for disciplinary action or, in severe cases, for removal proceedings under the Constitution.
- Seek further investigation if necessary.

The full JLSC Complaints Procedure can be found in the Policies and Procedures document on the JLSC website: www.judicialandlegalservicescommission.ky/policies-and-procedures.

Complaints Statistics

This section summarises the complaints received against judicial office holders during the reporting period. It outlines the number and types of complaints, and the outcomes of any investigations or actions taken.

Complaints received in 2024
4

Complaints by Category of Repondent	
Magistrates	2
Grand Court Judges	1
Court of Appeal Judges	0
Other	1

Actions Resulting from Complaints Considered in 2024*	
Ineligible	1
Remaining Open**	3
Dismissed	2
Referred for Disciplinary Action Taken	0
Complaints leading to dismissal of judges	0

**Complaints considered in 2024 may include complaints received in previous years.*

***A complaint may remain open at the end of the reporting period when the complaint is received near to the period end, to accommodate the time required for administrative processing, including convening the Complaints Committee and conducting a thorough review of the information received.*

Legislative Developments



JLSC Bill

Discussions between the JLSC and the Attorney General's Chambers regarding the need for the JLSC to have its own dedicated legislation began in 2010 and have continued throughout 2024. The primary aim of this legislation is to clarify the Commission's powers, and implement necessary procedural improvements. The proposed JLSC Bill ("the Bill") seeks to address these issues while ensuring a robust framework for the governance and oversight of judicial and legal office holders.

The Bill will expand the scope of the JLSC to include legal office-holders, including any public service position requiring legal qualifications for appointment. The Bill may also introduce a statutory requirement for the JLSC to produce an annual report and include provisions to indemnify JLSC members from legal liability in the execution of their duties, in order to allow them to perform their duties independently and without fear of personal legal repercussions. Additionally, it may seek to exempt the JLSC from Freedom of Information requests in certain circumstances, which would protect the confidentiality of sensitive matters and safeguard complainants and witnesses from potential repercussions.

Policies and Procedures



Policy Updates Made During the Reporting Period

During the reporting period, the JLSC has made several key updates to its policies, procedures, and codes to enhance the efficiency, transparency, and integrity of the judicial system in the Cayman Islands. These updates reflect the JLSC's ongoing commitment to maintaining high standards of judicial conduct and ensuring that the legal framework adapts to evolving needs and best practices. The following sections detail the significant revisions made to the recruitment of Acting Grand Court Judges, appointments to the Court of Appeal, the Judicial Code of Conduct, and the JLSC Complaints Procedures. All of these policies can be viewed in full under the Publications section of the JLSC homepage (www.judicialandlegalservicescommission.ky)

Acting Panel of Grand Court Judges

During the reporting period, the JLSC implemented a revised policy on the recruitment of Acting Grand Court Judges to ensure a structured and transparent appointment process. The policy establishes a list of approved Acting Panel Judges, made up of highly qualified individuals and regularly reviewed by the JLSC, from which the Chief Justice may recommend candidates for appointment. The JLSC assesses each recommendation before advising the Governor on suitability. In exceptional cases where no listed judge is available or has the necessary expertise, an alternative appointment process is outlined.

By maintaining a pre-approved list of qualified Acting Panel Judges, the JLSC ensures a more efficient recommendation process in what is, by necessity, often a short time

frame, while also upholding judicial independence and transparency. Regular reviews of the list help maintain high standards, ensuring that only suitably experienced candidates are considered.

Appointments to the Court of Appeal

In October 2024, the JLSC adopted a new policy regarding the appointment and tenure of Court of Appeal judges. The policy aims to establish a flexible yet standardised framework for the appointments, ensuring judicial quality and integrity while aligning with international best practices.

The policy outlines that initial appointments for Court of Appeal judges will end at age 75, with the possibility of re-appointments contingent upon satisfactory medical evaluations. Judges may be re-appointed on a 3-year basis initially, with subsequent terms set at 2 years. Medical assessments will be conducted frequently as an additional safeguard.

This policy applies to all current and future Court of Appeal judge appointments and will be periodically reviewed to ensure its continued relevance. Exceptions may be considered on a case-by-case basis, subject to the approval of the Governor and advice from the JLSC.

In updating this policy, the JLSC aimed to strike a balance between ensuring judicial continuity and maintaining the highest standards of judicial performance. By incorporating medical evaluations and flexible re-appointment terms, it helps safeguard the health and capability of judges while allowing for experienced leadership to continue contributing to the judiciary as needed.

Judicial Code of Conduct

The JLSC has recently approved several updates to the Cayman Islands Judicial Code of Conduct. This revision, the first since 2012, was prompted by a need to address evolving practices and to incorporate key developments from the United Kingdom's Code, which the JLSC found beneficial for the local judiciary.

Key updates include:

- **Social Media Usage:** Judges now have the discretion to use social media, but must exercise caution in doing so. They are encouraged to be mindful of the public nature of personal information and to use privacy settings prudently.
- **Disclosure Obligations:** Judges are now required to notify the Chief Justice if they become involved in legal proceedings in other jurisdictions, particularly those relating to serious financial difficulties, to maintain transparency and uphold judicial integrity.
- **Discussion of Cases:** Judges are permitted to comment on or explain decisions in individual cases publicly, but are reminded to exercise caution and restraint when doing so, ensuring that their conduct remains impartial and free from undue influence.

These updates reinforce the judiciary's commitment to maintaining the highest standards of conduct while adapting to changes in communication and public engagement practices.

JLSC Complaints Procedures

The JLSC made amendments to its Complaints Procedures to ensure alignment with the 2016 constitutional amendments. The revision clarifies the process for handling complaints against judicial office holders, particularly following the changes introduced in Section 106 (1B) of the Constitution, which grant disciplinary control over certain judges to the Chief Justice and President of the Court of Appeal.

Key changes to the Complaints Procedures include:

- **Clarification of Referral Process:** The Complaints Committee is now responsible for reviewing all complaints against judges initially. The Committee will assess whether disciplinary action is warranted and may refer cases to the Chief Justice or the President of the Court of Appeal, as appropriate, under Section 106 (1B) of the Constitution.
- **Unified Complaint Submission Process:** To reduce potential confusion, the JLSC's Complaints Procedure will be followed for all complaints, whether they were initially received by the JLSC or whether they were directed to the Chief Justice or President of the Court of Appeal directly. Complaints will be handled by the JLSC Complaints Committee in the first instance, ensuring a standardised process. Only when it is determined that disciplinary action is deemed necessary will cases be referred to the appropriate judicial authority for further consideration.
- **Investigation Process:** In cases where a complaint is not dismissed or referred to the Chief Justice or President, or does not involve a criminal offense, the JLSC will initiate an investigation, as outlined in the revised procedure.

These amendments ensure that the JLSC's procedures are consistent with constitutional provisions while streamlining the complaints process and maintaining clarity and accountability in disciplinary matters.

Appendices



Current JLSC Membership

The members of the JLSC during the reporting period were:

- **Nick Freeland** (Chairman)
- **Sean Parchment** (Member)
- **Sir John Goldring KC** (Member, President of the Court of Appeal)
- **Hon. Chief Justice Margaret Ramsay-Hale** (Member)
- **Justice Adrian Saunders** (Member)
- **Dame Janice Pereira** (Member)
- **Myrtle Brandt KC** (Member)
- **Guy Locke** (Member)

Subsequent to the period end, Guy Locke's term as a member ended on 31 December 2024 after eight years. Replacing him, under section 105(1)(e) of the Constitution, is Colette Wilkins KC, whose appointment takes effect on 1 January 2025 for a period of five years.

For further details, you can visit the JLSC Members page of the JLSC website:

www.judicialandlegalservicescommission.ky/commission-members

Contact Information and Acknowledgements

For general inquiries, you can reach the JLSC at:

- **Physical Address:**
4th Floor, George Town Financial Center, #90 Fort Street, George Town, Cayman Islands
- **Mailing Address:**
P.O. Box 391, Grand Cayman KY1-1106, Cayman Islands
- **Phone:** +1 (345) 244-3685
- **Email:** info@judicialandlegalservicescommission.ky

Office hours are Monday to Friday, 8:30 AM to 5:00 PM. For further details, please visit:

www.judicialandlegalservicescommission.ky/contact-us