

# **CAYMAN ISLANDS GOVERNMENT**

## **JUDICIARY**

### **JOB DESCRIPTION**

<b>Title:</b>	<b>Court of Appeal Judge</b>	<b>Reports to:</b>	<b>President, Court of Appeal</b>
<b>Cost Centre:</b>	<b>0201</b>	<b>Remuneration:</b>	<b>As provided by contract</b>
<b>Post holder:</b>	<b>Vacant</b>		

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#### **1. Job Purpose**

In compliance with the constitutional oaths of judicial office, the holder of this post sits in the Court of Appeal of the Cayman Islands on a part time basis hearing appeals from the Grand Court. The post-holder is one of a team of Court of Appeal Judges (including the President) who will rotate sittings. The post-holder will be required to make him or herself available for a minimum of two sittings per year as agreed by the President.

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#### **2. Dimensions**

- a. For the purpose of hearing and determining an appeal or any other matter, the Court is duly constituted if it comprises of three judges.
- b. The determination of any matter before the Court is by the majority of the Judges hearing the matter.

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#### **3. Principal Accountabilities**

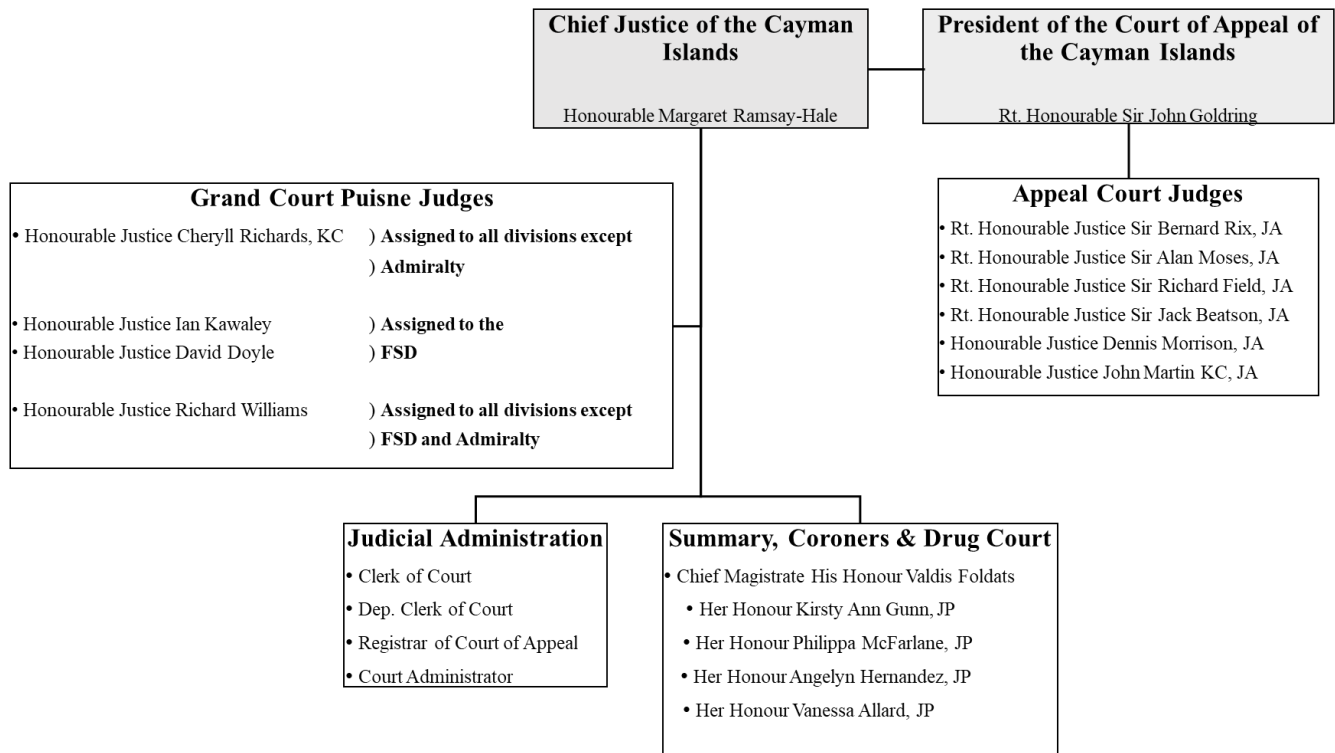
Subject to the Court of Appeal Law (2011 Revision) the Court shall have jurisdiction to hear and determine appeals from:

- a. any judgment of the Grand Court given or made in civil proceedings, or to order a new trial if the Court thinks fit, and, for all purposes of and incidental to the hearing and determination of any such appeal and the amendment, execution and enforcement of any judgment made thereon, the Court shall, subject as aforesaid, have all the powers, authority and jurisdiction of the Grand Court provided that no judgment of the Grand Court shall be altered or reversed in any case in which the Court is satisfied that the effect of the judgment is to do substantial justice between the parties; and
- b. the Grand Court by a convicted person (a) against the conviction on any ground of appeal which involves a question of law alone; (b) with the leave of the Court, or upon the certificate of the Judge of the Grand Court before whom he was tried that it is a case fit for appeal, against his conviction on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or upon any other ground which appears to the Court or the Judge aforesaid to be a sufficient ground of appeal; and (c) with the leave of the Court, against the sentence passed on his conviction unless the sentence is one fixed by law; and

- c. the Grand Court against any order of the Grand Court made under section 13, 20, 21 or 22 of the Youth Justice Law (2005 Revision).

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#### 4. Organisation Chart



**JUDGES ARE APPOINTED BY HER EXCELLENCY THE GOVERNOR ON BEHALF OF HIS MAJESTY THE KING ON THE ADVICE OF THE JUDICIAL AND LEGAL SERVICES COMMISSION**

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#### 5. Background Information

The Cayman Islands has a Court of Appeal that sits in the Island for at least three sessions each year, six resident Grand Court Judges, two non-resident Grand Court Judges and five Magistrates. In addition, there is a Panel of 15 Acting Judges for the Grand Court and three Acting Magistrates who sit as the need requires.

The Governor appoints magistrates, judges, the Chief Justice and the President and Justices of Appeal on the advice of the Judicial and Legal Services Commission, a body formed by the 2009 Constitution.

Justice in the Cayman Islands is administered at three levels - in the Summary Court (including the Youth Justice, Family and Drug Rehabilitation Courts), the Grand Court and the Court of Appeal.

The Summary Court has civil and criminal jurisdictions. A Magistrate normally exercises jurisdiction sitting alone. Coroners' inquests are held in the Summary Court, where a magistrate sits with a jury as Coroner. Appeals from the Summary Court lie to the Grand Court.

The Grand Court is a superior court of record exercising unlimited jurisdiction established by the Constitution and the Grand Court Law. It administers the common law and the law of equity, as well as locally enacted laws and applied laws all in keeping with the 2009 Constitution of the Cayman Islands including the Bill of Rights, Freedoms and Responsibilities contained in Part I. Dedicated Divisions of the Grand Court for Financial Services, Family, Criminal, Civil and Admiralty cases were established in November 2009.

Appeals from the Grand Court lie to the Cayman Islands Court of Appeal, comprising the President and not fewer than two Justices of Appeal. A final appeal lies, in certain circumstances, to the Judicial Committee of the Privy Council.

Residents of the Cayman Islands also have a right of petition to the European Court of Justice on matters covered by the European Convention on Human Rights which has been extended to the Cayman Islands and incorporated into domestic law to the extent of the Bill of Rights, Freedoms and Responsibilities.

The Cayman Islands Court of Appeal was established in 1984 and is a creature of statute and of the Constitution. It usually sits for three sessions of three weeks each year in the Cayman Islands. There is provision for additional special sessions where the circumstances so require.

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## **6. Knowledge, Experience and Skills**

The post-holder must have a minimum of 15 years post-qualification experience in the practice of law and must have held high judicial office in the British Commonwealth.

It is essential that the post-holder has expertise in company and/or commercial and/or insolvency law and/or judicial review. Some experience of criminal law is desirable. Judicial experience at an appellate level is also highly desirable.

He/she must possess a sound and thorough knowledge of the general common law; and, in addition, the ability to interpret local legislation and case law in making decisions in accordance with the laws of the Cayman Islands.

The post-holder must be able to command the respect of the legal profession and the community, and possess absolute personal integrity. He/she must be impartial and independent of all outside influences; must conduct him/herself at all times in a way that is consistent with the dignity of high judicial office; and must be able to demonstrate procedural fairness and the ability to deal courteously with professional representatives, litigants in person and members of the public. The post-holder will be a person of maturity and sound judgment.

Excellent research, analytical, oral and written skills, together with a basic proficiency in the use of the computer, are essential; as are the abilities to maintain confidentiality, exercise good judgment and commitment, to be conscientious, work diligently and comply with the Code of Conduct for the Cayman Islands Judiciary at all times.

The post-holder will be required to make him or herself available for a minimum of two sittings per year as agreed by the President.

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**7. Assignment and Planning of work**

Save as otherwise provided in the Court of Appeal Law (2011 Revision), all Judges shall have equal power, authority and jurisdiction. Case listings are made by the Registrar under the supervision of the President.

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**8. Supervision of others**

The President is the senior judge of the Court of Appeal, and subject thereto, the Judges shall hold seniority in the order of their appointments or, if two or more Judges are appointed on the same day, then in the order of their seniority of first appointment to high judicial office. In the absence of the President the senior judge present at any sitting of the Court shall preside at that sitting.

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**9. Other work relationships**

In addition to working closely with the President and other Court of Appeal judges, the post-holder will interact frequently with various other members of the judiciary and Judicial Administration staff.

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**10. Working Conditions**

The Court of Appeal usually sits from 10:00 am until 4:30 pm (with a break in the middle of the day), but a judge must be prepared to work such hours as from time to time circumstances may require.

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**AGREED BY:**

**Post-holder:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**President Court of Appeal:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Her Excellency the Governor:** \_\_\_\_\_ **Date:** \_\_\_\_\_