EASTERN CARIBBEAN SUPREME COURT

APPOINTMENT TO THE OFFICE OF JUDGE OF THE HIGH COURT

GUIDE FOR REFEREES

All completed assessment forms should be sent directly to the Secretary of the Judicial and Legal Services Commission to reach her by:
Friday, 13th June 2025.

PART 1

1. INTRODUCTION

1.1 The purpose of this guide is to assist those to be consulted [referees]in respect of an application for judicial appointment.

Part 1

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

Part 2

This outlines the **criteria** that a candidate must satisfy before the Judicial and Legal Services Commission will consider him or her for an appointment to the High Court.

Part 3

This provides information on how the Judicial and Legal Services Commission would like you to provide your written comments on candidates. It is in a **common report format** for comments and provides information on the **classifications**, which the Judicial and Legal Services Commission asks that you adopt. It also contains **contact details** for the Secretary of the Judicial and Legal Services Commission.

Part 4

This contains the annex – the Assessment Form.

1.2 Referees are requested to ensure that they read and fully understand the contents of this guide before they complete their assessment forms and return them to the Secretary of the Judicial and Legal Services Commission. The forms should be submitted by the referee themselves and not through the candidate despite the fact that it would have been sent to you by the applicant.

PART 2

2. THE CRITERIA

2.1 The Judicial and Legal Services Commission will appoint the candidate who appears to be best qualified, with reference to the stated criteria, regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfilment of the physical requirements of the office.
Each application is considered solely on the established merits of the candidate alone.

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 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 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.

- weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation.

- being able to apply the law creatively.

[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 Skills:

Being able to communicate effectively with all types of court users including lay people [whether defendants, witnesses, members of a jury, litigants in person 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 to maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing; and

- promote the expeditious dispatch of litigation, preventing unnecessary prolixity, repetition and irrelevance whilst ensuring that all parties [whether represented or not, and including children] are able to present their case or their evidence as fully and fairly as possible.

- keep abreast of legal developments and court technology.

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 case to be clearly presented and that it is then considered as fully and dispassionately as possible.

[c] **Understanding of People and Society**

Having 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, as appropriate, and being sensitive and humane.

[f] **Commitment**

A commitment to public service and to the proper and efficient Administration of Justice, which they pursue conscientiously, with energy and diligence.

PART 3

3. RECORDING COMMENTS

General

3.1 All referees are asked to provide substantive written comment about the candidate's skills and abilities on the Assessment Form enclosed with this Guide. If there are insufficient copies of the assessment form for your needs, please photocopy one of the originals, or, if you prefer, contact the Secretary of the Judicial and Legal Services Commission.

3.2 If it is not convenient to use the form supplied, please express your views in a letter. However, the Judicial and Legal Services Commission would find it most helpful if you addressed the criteria outlined in paragraph 2.1 and included the information requested on the form.

Marking

3.3. The Judicial and Legal Services Commission will have regard to the criteria at paragraphs 2.1 when considering an application. You are asked for a marking in relation to each of these criteria, in accordance with the following scale:

[1] Not demonstrated
[2] Insufficiently demonstrated
[3] Demonstrated
[4] Well demonstrated
[5] Very well demonstrated

3.4 The Judicial and Legal Services Commission has emphasized that it will place more weight on particularized comments [see paragraphs 3.6-3.9] and, in order to ensure that applicants are judged by different referees on the same basis, has asked that all referees use the following overall classifications:

[1] Not suited for appointment
[2] Not yet suited for appointment
[3] Suited for appointment
[4] Well suited for appointment

Ranking

3.5 In a highly competitive situation like this, it would be very helpful to the Judicial and Legal Services Commission to be given a ranking of the leading candidates. The Judicial and Legal Services Commission asks that all referees give an order of preference for those candidates in respect of whom they award an A marking.

Comments

3.6 The Judicial and Legal Services Commission emphasizes that comments on an applicant's suitability or otherwise for appointment to the High Court must be fully supported by detailed reasons.

Any comments on an applicant's suitability or otherwise for appointment to the High Court which are not supported by detailed reasons will be disregarded.

3.7 The Judicial and Legal Services Commission emphasizes that the weight attributed to a referee's opinions will depend on how particularized they are and how close referees are to the sources of their information.

3.8 The Judicial and Legal Services Commission requests that you give details of your knowledge of the candidate – whether it is through their judicial work or through their practice; and whether you have any other connections, such as chambers or professional associations. You are also required to give an indication as to how frequently you come into contact with the candidate and how recent is your knowledge of him or her.

3.9 The comments, classifications and rankings that you provide may assist the Judicial and Legal Services Commission to determine how a candidate ranks. Referees must assess each candidate's suitability against the criteria for appointment. You are asked to be objective in your assessments and to provide reasons in support.

Allegations of Misconduct

3.10 The Judicial and Legal Services Commission requests that referees views should be expressed fully and frankly. Any reservations and recommendations should also be indicated. In considering the views that are expressed the Commission will attach no weight to unparticularized allegations of misconduct. The Judicial and Legal Services Commission wishes to consider only specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct against an applicant is made, the Commission will therefore seek the referee's consent to send details of the allegation to the applicant, to enable him or her to comment on the allegation.

If consent is not given to reveal details of any specific allegations of misconduct to the applicant concerned, the Judicial and Legal Services Commission will disregard the allegation when considering the results of the consultation.

3.11 The foregoing 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 allegation were substantiated, would be regarded by a professional Association as an infringement of the relevant principles of professional conduct; and/or might, prima facie, cause the Judicial and Legal Services Commission to consider whether to initiate disciplinary proceedings, where the person concerned is a holder of a relevant judicial or legal office.

Returning your Completed Assessment Forms

3.12 All completed assessment forms should be sent directly to the Secretary of the Judicial and Legal Services Commission to reach her on or before **Friday, 13th June 2025**.

3.13 You may return your completed signed assessment forms by hand delivery, post, courier or scanning and emailing to jlsc@eccourts.org. If you send your forms by post, you should allow enough time for delivery before the deadline identified above.

3.14 The Secretary of the Judicial and Legal Services Commission will normally issue an email acknowledgement confirming the receipt of your comments.

Contact Information

3.15 All communication and enquiries in relation to your assessment should be forwarded to the Secretary of the Judicial and Legal Services Commission at the following address:

The Secretary
Judicial and Legal Services Commission
Heraldine Rock Building
The Waterfront
P.O. Box 1093
Castries
SAINT LUCIA, WEST INDIES

Tel No. 758 457 3600
Email: jlsc@eccourts.org

Please note that all written communication should be submitted, **under confidential cover** and hand delivered or sent by post, courier or email to reach the Secretary by **Friday, 13th June 2025**.