VACANCY NOTICE

JUDGE

Commercial Division of the High Court, Eastern Caribbean Supreme Court

APPOINTING AUTHORITY:

Judicial and Legal Services Commission of the Supreme Court established under the Courts Order 1967 (Imperial Legislation Statutory Instrument No 223 of 1967) and chaired by the Chief Justice of the Eastern Caribbean Supreme Court ("the ECSC").

THE BVI COMMERCIAL COURT:

The Commercial Division of the Eastern Caribbean Supreme Court ("ECSC") consists of superior courts of record which hear and determine Commercial Cases as defined in the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and the Civil Procedure Rules (Revised Edition) 2023. This Vacancy Notice relates specifically to one of the two positions of judge of the Commercial Court situated in the British Virgin Islands, sometimes referred to as the "BVI Commercial Court". A strong and robust BVI Commercial Court is essential for the stability and growth of the BVI legal, corporate and financial services industry, which is a major contributor to the economy of the BVI, and decisions of the BVI Commercial Court are treated as influential in other off-shore and on-shore Common Law jurisdictions across the globe.

The judges of the BVI Commercial Court handle an extremely busy and demanding case load consisting of high value, complex, cross-border litigation with a strong base in company, insolvency, trusts, asset recovery and enforcement law. Appeals from decisions of the BVI Commercial Court are to the Court of Appeal of the ECSC, from which appeals lie to the Judicial Committee of the Privy Council.

The work of the BVI Commercial Court has global importance in light of the widespread use of BVI Business Companies in corporate asset holding structures around the world. Accordingly, the BVI Commercial Court is constantly under considerable pressure to facilitate and to ensure matters are heard and determined timeously. Much of the Court's work consists of urgent applications, often on an *ex parte* basis, for interlocutory relief. These include applications for worldwide freezing orders, the appointment of receivers over the assets of BVI Business Companies and of provisional

liquidators and liquidators of such companies, and applications for the discharge of such orders - whether on jurisdictional grounds or otherwise. The workload also consists of applications for other interim or procedural relief in substantive claims leading to the listing of the claim for trial. The trial of such matters usually occupies several weeks of court time, involving overseas parties and witnesses, and leading counsel from the English Chancery Bar. In this vein, the applicable court rules provide for the utilization of technology in the discharge of the work of the Court, including taking evidence of overseas witnesses via an electronic platform which allows the conduct of remote hearings.

Accordingly, the judges of the BVI Commercial Court are required to have the ability to work under pressure and to possess the kind of relevant experience, either as a judge or at the Chancery Bar, which equips them with a thorough grasp of the relevant areas of law, practice, and applicable principles, sound reasoning and judgment, and an inherent ability and command of the English language so as to render clear, detailed, comprehensive and high quality written and oral decisions timeously.

DUTIES AND RESPONSIBILITIES:

The duties and responsibilities of a Judge of the BVI Commercial Court include, but are not limited to, the following:

1. To hear and determine all claims commenced in the BVI Commercial Court including all interim and other applications made in the course of such proceedings;

2. To ensure fair, effective and efficient case management, sensitive to the requirements and constraints of the BVI Commercial Court's users;

3. To produce timely, high quality reasoned judgments;

4. To render such assistance as may from time to time be required in respect of other matters, including before other courts forming part of the ECSC, by the Chief Justice or the Registrar;

5. While the bulk of such claims will be commenced and heard in the BVI Commercial Court, the Commercial Court Judge may, at the direction of the Chief Justice, hear claims originating from the six Member States and two other UK Overseas Territories which comprise the territorial jurisdiction of the ECSC, whether in Tortola or in the Member State or Overseas Territory in question.

6. To keep under review, in conjunction with the Chairman of the Commercial Court Users Committee, the practice and procedure of the BVI Commercial Court and to make such recommendations for its development as may seem expedient.

7. Before expiration of the term of engagement, to provide such advice and assistance to a successor Judge as may be necessary to enable a seamless handover of case load.

QUALIFICATIONS & EXPERIENCE:

In keeping with this demanding, high responsibility role, the suitable candidate will be expected to produce the desired quality and quantity of work immediately upon commencement of duties, and to do so consistently and in accordance with the highest tenets and guiding ethical principles and other rules applicable to the judiciary. This requires the office holder to work independently, to manage his or her case load efficiently, and to produce *ex tempore* and written decisions and orders as the exigencies of the matter demands, consistent with the applicable rules relating to the delivery of judgments within the ECSC. In order to effectively manage the demanding workload, the office holder will be required to hear matters either in person or remotely. Accordingly, the office holder should be capable of adjudicating decisively between competing submissions made by highly skilled and persuasive international senior barristers/advocates, who are frequently senior King's Counsel practicing at the BVI Bar or the English Chancery or Commercial Bars. The office holder should be both a leader and a team-worker, willing and able to work well within a hierarchy and with colleagues, counsel and litigants from a wide variety of cultural, social and educational backgrounds.

The suitable candidate should possess:

> At least the (10) years' experience as a Judge in a superior court within the Commonwealth with a civil jurisdiction and with substantial experience in hearing and determining cross-border or international company, insolvency and trust law cases;
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> OR
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> At least five (5) years' experience as a Judge in a specialised court dealing with cross-border or international company, insolvency and trust law cases;
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> OR
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> A proven track-record of at least ten (10) years' practise as a leading Attorney-at-Law/Barrister specializing in litigation involving cross-border or international company, insolvency and trust law cases.

Prior experience as a judge within the Commonwealth in a specialised court dealing with cross-border or international company, insolvency and trust law cases is preferred and highly desirable.

TERM:

Subject to negotiation – one (1) to three (3) years, with any agreed extension of same.

RESIDENCE:

Tortola, British Virgin Islands

SALARY AND BENEFITS:

(a) Gross Salary: US$200,000.00 per annum, free of tax, payable monthly in arrears (comprising base salary and other allowances);

(b) Gratuity of 20% of contractual salary payable upon successful completion of contract (free of tax);

(c) Six calendar weeks' or 42 calendar days' vacation per annum;

(d) Life and Medical insurance coverage;

(e) Fully furnished rent-free accommodation and all associated utilities;

(f) Entitlement to Duty Free allowances in accordance with the laws of the BVI;

(g) Driver and fully maintained vehicle;

(h) Passage for appointee, spouse and underage children from country of residence to the British Virgin Islands at commencement of contract and return to country of former residence at end of contract.

APPLICATIONS:

Application Forms can be accessed on the Court's website at: **www.eccourts.org**. **Applications must be accompanied by** a complete curriculum vitae and full details of all relevant experience. Applications must be submitted electronically via email **by Friday, 13th June 2025** to:

The Secretary
Judicial and Legal Services Commission
P.O. Box 1093
Castries
Saint Lucia, West Indies
Email: jlsc@eccourts.org
Tel: 1 758 457 3600