



EUGENE LAW SCHOOL MAGAZINE

CELEBRATING THE
2021 GRADUATING
CLASS

THE EDLS SURVIVAL
GUIDE FOR LAW
STUDENTS

YA BORN THERE,
YA BORN THERE!
BIRTH RIGHTS CASE HEADS
TO PRIVY COUNCIL

Volume No. 2
September 2021

 **THE VERDICT**
DUPUCH

**CROSSWORD
PUZZLE
SURPRISE**



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Letter From The Principal

Dear Reader,

‘Days and moments quickly flying’, as penned by the hymn writer more than a century and a half ago, appropriately describes my thinking whilst navigating the 2020/2021 academic year.

It was a testing year - for students and staff alike. The ordinary pressures that are treated with in an academic year were compounded by the additional anxieties wrought by the COVID-19 pandemic - Inboxes, social media accounts and dinner table talk are replete with pandemic-related anecdotes and testimonials.

There were many frustrations which we acknowledge and undertake to address. There were disappointments from which we will learn. In many instances though, the stresses generated growth opportunities. These were sometimes minor - like figuring out how to post a video on Canvas, perhaps - and sometimes major, like overcoming the impediment of a supplemental examination. But in a year of disruption every success is worthy of celebration.

And so, we do. We celebrate the opportunity we were given to adapt and change. We celebrate that we had the wherewithal and resilience to overcome obstacles. We celebrate occasions to enhance teaching skills and pedagogic training. We celebrate that students were presented with opportunities, though limited, to further enhance their legal experiences.

At its close, we emerge from the past academic year exhausted but exceedingly grateful. Exhausted mentally from the pivots and recalibration. Grateful that we survived illness and trauma and persevered in the wake of the death of loved ones.

I am grateful for the resourcefulness of the student body in this inaugural year of instructional change. I thank the President and the executive team of the Eugene Dupuch Law School Students’ Association for their leadership. I am grateful for the commitment of the faculty and staff of the EDLS and thank them for their resolve.

Soon enough we will gain more insights from social and behavioural scientists as to the impact of this complicated year on us, but for now we stand thankful that we endured and poised to meet a new tomorrow.

Sincerely,

Tonya Bastian Galanis

Principal



Letter From the Out-going President of the Eugene Dupuch Law School Students' Association



Dear Students,

Congratulations! Whether you are in Year 1, Year 2 or among the Graduating Class of 2021, this moment is a culmination of years of hard work and discipline. Since the beginning of the pandemic, each of us have had to overcome our own unique challenges. Your mettle has been tested but you did not break. Instead, you pivoted to improvise, adapt, and overcome all obstacles placed in your way. So, take a minute, breathe, and congratulate yourself because **YOU DID IT!**

The 2020-2021 Academic Year represented the first year at the Eugene Dupuch Law School (EDLS) where the delivery of instructions was completely virtual. This required many adjustments both from students and administration. For most, assimilating to virtual learning was not an easy feat especially when combined with the ongoing pandemic and the ever-changing health protocols. However, we remained steadfast in our purpose – to complete EDLS and attain our career destination.

The fortitude of the Executive Committee of the Eugene Dupuch Law School Students' Association (EDLSSA) was also tested over the course of the year. The Executive Committee grappled with new challenges in its quest to provide collective representation on student issues, contribute to the development of a high standard of professional legal training and to provide avenues for socialization amongst the student population. Rigid Covid-19 protocols demanded that the Executive Committee be creative in the delivery of activities and support to students. The Executive Committee accepted the challenge and rose to the occasion time and time again. In so doing, all student issues brought to the fore throughout the year were addressed conscientiously and with alacrity.

Operating in the Covid era made it even more important to produce activities that provided students with opportunities for further education, inspiration, and relaxation. As such, Legal Education Week 2021 was filled with a wide range of activities to edify and entertain students. For the first time, most of the week's events, were held virtually. The inaugural EDLSSA Speed Moot and the Honourable Justice Stephen Isaacs Speech and Debate Competition were both staged at EDLS with participation from the student body in the virtual

numbers, in the Scavenger Hunt and Dine Arouns events.

The Executive Committee inspired students by inserting a personalized message in Examination Prep Boxes designed to provide each student with items to assist in their examination preparations. Further, immediately following the end of the examination period, students were given an opportunity to relax on the beaches of Sandy Toes, Rose Island. Despite the restrictions faced, student participation remained high for all activities. Overall, the Executive Committee remained accessible to all students, and I am proud to say that the EDLSSA achieved its overall objective for the year.

The success enjoyed this year, whether individually or as an association, could not have been achieved without the continued support and assistance of all stakeholders. Thank you to the Course Directors and Adjunct Tutors for their willingness to make the necessary adjustments in the delivery of their course material throughout the year. To the members of the Executive Committee, thank you for your creativity, innovativeness, and your overall commitment to excellence. Special thanks to the entire student body for trusting us to represent your interests and for your avid participation in each EDLSSA event planned. We could not have done it without you.

It was an honour to serve as your President for the Academic Year 2020-2021. We have achieved much together, and I am humbled to have been able to represent such a fine group of students.

As I take my leave, I want to encourage first-year students to enter this noble

institution with an open mind and to embrace the experience. Be cognizant that the journey will not be easy, but it is worth it. To assist you along the way, we have prepared an EDLS Survival Guide to assist you in successfully completing the programme.

To the second-year students, you are almost there. This is the time to refocus and recommit to accomplishing this career goal. Take the time to share your experience with the first-year students and steer them in the right direction as much as you can.

Graduating Class of 2021, I know that due to the Covid-19 protocols all the pomp and circumstances you envisioned to celebrate the end of your legal education did not come to fruition. However, do not miniaturize the magnitude of this accomplishment. You have worked assiduously to get to this juncture, and you deserve all the accolades bestowed upon you. Remember, *“to whom much is given, much is expected”*. Therefore, as you enter this noble profession, you have a duty to be advocates who operate with integrity and competence. Rest confidently, however, on the fact that you possess the skills and knowledge required to become exceptional advocates who will excel and exceed your own expectations.

Wherever the journey takes you, go forth and do great things!

Sincerely,

Shaneka Carey

EDLSSA President 2020-2021



Message from the Publication Committee

person through other
persons."

Within our EDLS family we were bound up by the challenges of e-learning. We

For more than 18 months, our classrooms at the City Corporate Center have lain dormant, with the emptiness and quietude of a Covid-imposed exile, longing for the heartbeat of student life. Yet, beyond these empty classrooms, the heart of the Law School beats strongly, brought to life in a new world of online learning and technological social engagement.

Socially distant and each in our own space, the daily ebb and flow and pulse of the Law School vibrated through our screens: whether we viewed PowerPoints or videos; engaged with lecturers and fellow students; clicked on or off to rush from one tutorial or lecture to the next; engaged in the chats and break-out rooms; expressed our likes or dislikes with the emoticons; or, on a bad day, dealt with internet and electricity disruptions. Magnified and up-close, our facial expressions now, as never before, were always on show.

We found a new voice for creative expression through Webinars and online Mooting and forged new ways for interconnectedness through online game nights and other social interactions such as the Scavenger Hunt and Dine Around Events organized by the Students' Association.

Beyond a doubt, the COVID-19 pandemic has forever transformed not just our approach to teaching and learning but our approach to life. It has forced us to confront and embrace not just the frailties but, the resolve of our humanity, and to remember that it is humanity that informs who we are and our sense of commonness, oneness, purpose and belonging.

Archbishop Desmond Tutu explained the African phrase Ubuntu in this way, *"My humanity is caught up, is inextricably bound up, in yours. We belong in a bundle of life. A person is a*

were bound up by our common sufferings, whether we suffered from personal illness, or coped with the illness and in some instances the loss of loved ones. We were bound up with those who suffered through the loss of jobs and homes and from food insecurity. We were also bound up by our human compassion as displayed in our kind words and deeds. We were bound up by a desire to succeed and by our hope for a better, brighter, COVID-free future.

As one school year draws to a close, we can say that we have, in large measure, triumphed over our



educational challenges and achieved success. As we look to the start of a new school year, we can say that we now have a model on which to pattern and improve upon our successes.

Finally, we must give a *shout-out* to our graduates. Like the Bahamian quarter milers, Steven Gardiner and Shaunae Millier-Uibo, who brought home gold in the Tokyo Olympics, you did not let COVID-19 stop you from running this race and reaching the finish line.

Congratulations!

Remember to always see and value the humanity in others.

Peace and Blessings,

Publication Committee



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Visit our Facebook page – Eugene Dupuch Law School 

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Tutor's Brief

Clive Guy , Senior Tutor

As you climb the stairs leading into the Eugene Dupuch Law School's facilities, words of wisdom and encouragement are engraved on the steps. I commend those very words and principles to those of you beginning your Legal Education Certificate education and training and likewise to those graduating from law school with their Legal Education Certificate and about to be admitted to practice. The words are as follows:

**YOU ARE CAPABLE
COMMIT TO EXCELLENCE
PERSEVERE AND PERSIST
EXPECT SUCCESS
THINK POSITIVELY
NO EXCUSES**

The Eugene Dupuch Law School is the final stage before beginning your legal career. You have been involved in legal studies for several years and have finally made it to this stage. You have been extremely motivated to get this far. It means that you have shown academic prowess and an ability to handle a lot of



information in sometimes very stressful situations. So why did you do it? What motivated you to start this arduous journey in the first place? For most of you, if not all, it is a lifelong dream, it is a means to elevate yourself and your family, or it is an opportunity to give back or contribute to the development of your society. At the end of the journey, you will be admitted as Counsel and Attorney-at-Law. Whatever it may be, that very motivation must be with you all through the time that you are in law school and must continue to be with you in practice.

YOU MUST COMMIT YOURSELF TO EXCELLENCE. Lawyers are not allowed the luxury of being imperfect. Lady Justice is not a cloistered virtue, but she is undoubtedly a jealous mistress and a challenging

taskmaster. Therefore, to be successful both in law school and practice, you must remember your motivation for embarking on the journey and commit yourself to excellence. Give it your all, be all you can be, never settling for second best and always striving to be a better person. It is often said that doing things halfway is the genesis of all that can and will go wrong. You must commit yourself daily to excellence. Always stay true to yourself and show others exactly who you are on the inside.

NO EXCUSES. An anonymous author wrote that excuses are tools of the incompetent, they build monuments of nothingness, those who use it seldom accomplish anything. I implore you not to make excuses for yourself or give excuses to your colleagues or later in practice to your clients. You must always give all of yourself. The study and practice of law do not allow for excuses as that habit will result in failure or poor representation, a true disservice to yourself, and for those graduating, to your clients.

YOU ARE CAPABLE. You made it this far; it was indeed

not easy. I recall while I was at Cave Hill, a fellow student got 48% in his examination. He went to Prof. Ralph Carnegie (now deceased) to ask if he could be given the extra 2% needed to pass the course. It is reported that Prof. Carnegie politely informed him that every grade awarded is a grade earned. If you could earn those grades in the past, then you surely can do so now. Will it be easy and a proverbial walk in the park? No. You must work for each grade you desire, just as you must work diligently on each file and for each client presented to you in practice. Insecurity and fear are two of the most debilitating factors that often keep people from any degree of success. With a positive attitude, you can achieve success both in your studies and in your legal practice.

This naturally comes to the words **PERSEVERE AND PERSIST**. Remember, there are no losses in life but only lessons and learning opportunities. There may be a stumble here or there, do not give up. Do not be disheartened. It would only be human to feel disappointed if

one did not do as well as one would wish. Self-doubt may set in; you may question if it is all worth the hard work and stress. When that moment comes, and come it will, remember what motivated you to begin the journey in the first place.



The law school staff and tutors care about you and your success. Take the time to speak with them. In practice, you will lose some matters as we say, 'you win some, you lose some,' that is the nature of legal practice. When things do not go in your favour, have a chat with your senior or mentor, dig deep and go back to your motivation. Proceed resolutely and steadfastly, despite distraction, difficulties, obstacles. Learn your lesson, then improve and prepare

for the next battle.

THINK POSITIVELY. It is often said that all battles are won first in the heart and mind before they are won on the battlefield. It is also true that works without faith are dead. Maintain an optimistic outlook in the face of difficult situations.

EXPECT SUCCESS. It has been said that when you expect success and focus on it, your world will rearrange itself accordingly. If you do all I have advised and match your words with disciplined, decisive action, you should expect success. James 2:26 KJV says, 'Faith without works is dead.' Yes, lots of prayers, but you must also be disciplined in your work. Apply your higher-order critical thinking skills to all that you do in the classroom and in practice so success will be yours.

When all of these are taken together, put into practice in the classroom or in your legal practice with dedication and discipline, you will achieve excellence in legal education and be a committed servant to the administration of justice.

Best of luck to you all.



The EDLS Survival Guide

By: Shaneka Carey with contributions from RaSean Longley and Victoria Morris—Year 2 Students

It's no secret that the Legal Education Certificate (LEC) programme is a rigorous one. Successful completion of the programme requires full commitment, drive and tenacity. Whether it be transitioning from the LLB programme to the LEC programme, or balancing life's unexpected challenges, a social life, and Law School, we understand that being able to focus on the successful completion of the programme can be tough. Therefore, we have compiled a few tips that will assist you throughout your Law School journey.

1 Start with the end in mind. The objective of being at the Eugene Dupuch Law School (EDLS) is to obtain your LEC. This will take preparation.

Therefore, like any tradesman, you must have the tools of your trade. Since classes will be conducted online, at least for the time being, it is important that you ensure you have the proper tools to succeed. This includes a laptop that has sufficient RAM and storage to withstand the pressure of online tutelage. There is nothing worse than having your laptop crash unexpectedly or being unable to attend classes because your computer does not have enough storage to maintain the software used to host classes. Having sufficient RAM and storage are important for ensuring that you are able to attend classes, take good notes, participate in the discourse, and successfully complete assignments.

surroundings. Therefore, it is important for you to identify a quiet space that is free from distractions that will allow you to put your complete focus on the information being taught. Sitting at a table with proper lighting as opposed to on a couch or a bed will help keep you focused. This way, you will not miss the gems that are shared during class time. Afterall, leaving your comfort zone, is the first step to success.

LAW STUDENT SURVIVAL GUIDE 16 TIPS FOR SUCCESS AT BAR SCHOOL

2 Pay keen attention in classes. With classes being online, it is quite easy to get distracted by everything that is happening in your immediate

3 Take good notes. Take copious amounts of notes. Do not take notes verbatim as you will miss out on what is being said and struggle to catch up. Try to understand what is being said and take notes in your own words. While the information on slides is often enough, it is important to take notes of explanations given for complex concepts.

4 Read the cases. The importance of this point cannot be overstated. Yes, some of the cases are extremely long but reading them in their entirety gives a better appreciation of how to

apply the principles. Furthermore, there are often many jewels in the judgments which may be applicable to other subject areas or that you can save for future reference. Therefore, as you read cases, do case briefs, noting the principles and citations.

5 Be intentional. Once assignments begin, it becomes challenging to find balance. We encourage you to get a head start, be intentional about how you utilize your time, whether it be reading ahead, reading cases and writing case briefs, or preparing study notes. If you get ahead of time, time will not have a chance to get ahead of you. Therefore, maximizing the “free time” before assignments will help you to stay ahead once assignments begin.

6 Complete the tutorials. Tutorial classes are designed to provide you with an opportunity to become familiarized with the course material and to interact with tutors in a smaller classroom setting. The tutorial activities will test your knowledge and allow you to receive feedback and correction. The issues discussed in these sessions will allow you to view the problems from several aspects and will likely show up in the assignments or examinations.

7 Use the resources that are available to you. Read widely to gain new perspectives and research new words and terms to ensure you have a full understanding of what is being said and/or asked. The Law School provides access to LexisNexis and has a library that is stacked with all the textbooks you will need. These are important resources and how you make

use of them will determine how successful you are in the programme.

8 Do extensive research for assignments. When completing assignments, it helps to have more than enough information in order to grasp a full understanding of the topic or issue. This way you can scale down what is considered the important or helpful information to you. Take the time to read and fully understand the topics tested in your assignments. This work will not go in vain as you will be able to use this information at the end of the year when your complete focus is placed on examinations. It will also lessen the amount of work you need to do at the end and relieve some of your stress.

9 Review assignments and ask for feedback. After receiving your assignment grade, make an appointment with the Registrar’s office to view your script. Make notes of all the comments made by the markers. Then, whether you are pleased with the grade you received or not, make an appointment to meet with the tutor to go over your script. This will ensure, for example, that you have a full understanding of the comments on the script and receive feedback on how you could otherwise improve.

10 Form good relationships with other students and staff. Forming good relationships with other students and staff could very well be the key you never knew you needed. Forming good relationships does not just mean with students from your year but includes those in

another year. Most times information you do not have will be shared with you from someone else whether it be a staff member or another student.

11 Consider forming study groups. Study groups are not for everyone but once you form good relationships with your peers, it becomes easier to form a study group. If you are minded, peer to peer learning can be very beneficial. Each individual will bring their perspective to the table and give rise to robust discussion. Additionally, dividing the work between members of the group will enable you to complete the various tasks in a timely manner. However, plagiarism is a serious offence. Therefore, it is important to ensure that work submitted for individual assessment reflects your own words and work.

12 Develop healthy ways to deal with stress. Exercise, a balanced diet and good mental health are essential to your overall success. Take some time for yourself. The work can be very overwhelming; therefore, it is best to schedule some time for yourself where you get to unwind and destress.

13 Do not strangle the children. You may have children or siblings at home who from time to time disrupt classes and/or your studying, but be patient with them. Try to instill boundaries so that it does not happen all the time but when it does just quickly reset and remember that the children are frustrated too. This is

another reason why finding a specific space is important.

14 Get involved. Get involved in any way possible, whether it be the Eugene Dupuch Law School Students' Association (EDLSSA), clinics or moots. Being involved in clinics and moots will not only help you with your analytical thinking but also with your written and oral advocacy. Your participation in these areas will improve your advocacy skills since you will be given the opportunity to put into practice what you learnt in classes.

15 Do past paper questions. Completing past paper questions is a good way to test your knowledge of the material and to improve your writing skills. This will assist you in identifying the issues and afford you the time to work through each issue completely. The more you practice, the better your writing will become. Complete questions and forward them to tutors to garner feedback. Use that feedback to then make the necessary adjustments to your paper.

16 Stay focused. No matter what happens, keep your eyes on the prize. The end result will be worth all the stress. 🧘

“Success isn’t always about greatness. It’s about consistency. Consistent hard work leads to success. Greatness will come.”

Dwayne Johnson

EUGENE DUPUCH LAW SCHOOL'S DISTINGUISHED LECTURE - 2021

The annual Eugene Dupuch Law School's Distinguished Lecture was held virtually on the 11th of February 2021 and featured the presentation of **The Right Honourable Sir Dennis Byron**, Former President of the Caribbean Court of Justice (CCJ). Sir Byron spoke on the topic, **"AI and ADR – The New Frontier"**.

This topic is highly relevant as at a time when the world at large battles for economic stability while also warring against the novel Coronavirus, technological innovations have enabled the reframing and restructuring of various sectors, including the legal world.

The lecture focused on how Artificial Intelligence (AI) and Alternative Dispute Resolution (ADR), as frontiers, can propel the Caribbean into autonomy from international counterparts and provide greater efficiency in judicial resolution.

Sir Byron commenced his lecture with the frontier of AI by noting the integration of technology in almost every

aspect of everyday life and commenting that if current trends continue computers may become better at resolving legal disputes as well. He commented that there is an opportunity for the Caribbean to develop such technology, rather than receiving it from a foreign source. Sir Byron envisions a judicial system that accommodates virtual hearings, 360-degree scans of witnesses, greater accessibility of judgments, digitization of transcripts and so much more.

By implementing a sophisticated compilation of precedents, the AI system would conclude on the likely outcome of a case with a greater level of speed which would further provide a greater access to justice. He hypothesized that the implementation of AI in Caribbean law would produce a higher quality of judgments and would increase the likelihood of settlements.

Why shouldn't the Caribbean take on this

By: Ilsha McPhee Johnson -
Year 2 Student



frontier? Sir Byron recalled his experience with the technological advancements of the CCJ which uses 'Resolve' technology. This system supports mediation and arbitration, but more importantly was created within the region, by Caribbean talent. Sir Byron exclaimed that this feat alone is a demonstration of our capacity as producers of intellectual property, rather than solely being consumers of external products. He suggested that the existence of the CCJ, coupled with AI, can establish Caribbean jurisprudence with visibility internationally.

Sir Byron proposed Arbitration as another

frontier that the Caribbean has an opportunity to excel in. He noted that there are four Arbitration centres in the Caribbean and that The Bahamas is amongst those countries that have declared their intention to establish National Arbitration Centres.

Sir Byron proffered that the Caribbean combine its forces in somewhat of a David and Goliath effect. In this scenario, the Caribbean has many Davids. If the Caribbean were to combine its resources and establish arbitration centres regionally the Goliath of foreign competition in Arbitration can be conquered. Most Caribbean Countries have ratified British based arbitration laws. Sir Byron, however, spoke of the harmonization of Commercial and Arbitration laws to create certainty in trade practices and the management of trade arrangements.

Sir Byron also noted the implementation of the dispute resolution structure proposed in the Revised Treaty of Chaguaramas ("the RTC") is another frontier to consider. The CCJ currently and singularly covers disputes concerning the interpretation and application of the RTC, while other disputes between

member states are resolved by other means. The RTC however calls for interstate disputes to be resolved by Arbitration before resorting to litigation.

However, he noted that Caribbean's representation in International Arbitration Regulatory forums and panels of arbitrations on the global stage is sparse. This can negatively impact the Caribbean's attractiveness to foreign investors.

Conclusively, the frontier he suggests with regard to ADR is the introduction of regional ADR centres which can effectively implement the use of arbitration intelligence and solidify a culture of ADR regionally. Throughout his lecture, Sir Byron made an over-arching call for Caribbean autonomy in technology, jurisprudence, and arbitration. Historically, in arbitration, technology has

been seen as callous and callous. However, with the interaction of technology in almost every aspect of our life, persons are trusting technology more than ever. He questioned, why can't we trust technology in the law and in the realm of decision making.

Sir Byron's confidence in the Caribbean is inspiring. I was truly encouraged by his speech. There is nothing limiting us from becoming the most advanced region in the areas of ADR and AI. Sir Byron concludes that this goal can only be achieved by merging Caribbean resources. The Caribbean at large must actively strive toward this goal.

I encourage you, my fellow readers, and graduates in the words of Sir Byron '***you are released to thrive in the 21st century***' and to take on these new frontiers. 🇵🇸





COUNCIL OF LEGAL EDUCATION

Eugene Dupuch Law School

ALUMNI SPOTLIGHT VARIOUS GRADUATES FROM 2001 & 2011

As we celebrate the graduating class of 2021, we take this opportunity to place the spotlight on a few of the persons who graduated from our wonderful institution 10 and 20 years ago.

We are very proud of our alumni, whatever path taken since leaving our halls. We recognize that the skills learnt here can be the launchpad for success in various industries.

From the graduating class of 2001, we spotlight **Ms. Bethsheba (Rolle) Haven** and

Ms. Nicole Sutherland King and newly appointed (2020) Supreme Court Justice, **the Honourable Mr. Justice Loren Klein**. We also feature the newly appointed (2021) Deputy Attorney-General of the Turks and Caicos Islands, **Ms. Khalila Astwood-Tatem** at page 73.

From the graduating class of 2011, we spotlight **Mr. Wilfred Bain**, **Mr. Shiron Gay**, **Mr. R. Dawson Malone** and **Mr. Antoine Thompson** at page 80. 🕒

OF GRADUATES



Kenisha Astwood

Tara Cooper-Burnside

Bethsheba Rolle Haven

Loren Klein

Karen McDowell

Pauline Seymour

Khalila Astwood-Tatem

Jerry Campbell

Laura Hunte

Kendal Knowles

Stephanie Pintard

Nicole Sutherland King

Vere Bird

Rawiya Hanna

Mavis Johnson-Collie

Andre Malcolm

Cora Richardson

2001

The Hon. Mr. Justice Loren Klein

Justice of the Supreme Court of the Commonwealth of The Bahamas

Why did you choose EDLS for Bar School?

Having spent three years completing the LL.B. Programme at UWI's Mona campus in Jamaica and then Cave Hill in Barbados, I welcomed the opportunity to attend and complete Bar School at home. I started my studies in the law with a young family and so, I was eager to be back home to spend time with them. Further, it became apparent very early that being a part of the second cohort of students to attend EDLS provided an opportunity to contribute to building the Law School and its reputation as the third fully-fledged Law School in the Caribbean.

What was your favourite subject/s while here and why?

I especially enjoyed Advocacy and the work done at the Legal Aid Clinic. It became quickly apparent that advocacy is the heart of the law. The training received during the LL.B. and Bar School were all telescoped into producing an advocate

who could bring that knowledge and training to bear to achieve the best results for the client consistent with the ends of justice. The Legal Aid Clinic was an opportunity to step outside the classroom environment and interact with real people with real problems, and to attempt to find ways to use the law to resolve their issues. It was rewarding to be able to help persons and to see the law practically applied outside a textbook scenario.

What would you look for in hiring graduates from EDLS today?

I look for three basic attributes -

- ◆ a well-rounded educational background and academic acumen;
- ◆ a willingness to work hard and learn; and
- ◆ Analytical and problem-solving skills.

It might appear to state the obvious that some academic ability is required for the practice of law, but there is also great value in



having a well-rounded educational background, as the practice of law requires one to deal with all facets of life. Having some other area of study or degree as part of one's resume is always a boon. Further, nothing trumps hard work and the willingness to learn. These attributes can and often do make the difference and can be predictors of success for persons who may have less legal talent to begin with. Finally, law is essentially about solving problems by applying legal principles to a fact.

Since leaving, what have you been up to?

Since leaving EDLS, I have functioned in three main professional capacities. Immediately after completing EDLS, I taught in several subjects for

just over a year at the COB/UWI LL.B. programme, which included Public International Law, Constitutional Law, the Law of Torts, and the Law of International Organizations. For many years after graduating EDLS, I was a senior litigator/consultant in the Office of the Attorney-General, which allowed me to participate in several high-profile cases involving the Government, and to engage in foreign relations work, including the negotiation of maritime and other treaties. In early 2020, I accepted an appointment as a Justice of the Supreme Court of the Commonwealth of The Bahamas.

Which of your personal traits and professional skills helped you the most in your career?

My military background helped me with being disciplined. This also helps with the rigour of the profession. Further, I have found maintaining intellectual humility to be important to this career - the desire to keep questioning and learning. I have always approached the law as a student and supplicant, for there is always so much more to be discovered. The law is organic, changing, and protean. No matter what levels we may rise to in our legal careers, we should always approach the law with reverence and a sense of continual wonder and study.

If you could go to Bar School all over again, what would you do differently?

I would spend more time focusing on developing advocacy and legal argumentation techniques. While advocacy is taught and studied at Bar School, not enough emphasis is placed on developing these skills. They are essential to the practice of law, especially in a jurisdiction where the profession is still fused, and the lawyer must be both solicitor and barrister. 🏛️



Nicole Sutherland King

Director, Legal Aid Clinic, EDLS

Why did you choose EDLS for Bar School?

As a graduate of the UWI Law programme, I had the opportunity to attend one of the Council of Legal Education bar schools which zone students based on country of origin. I was in the second cohort zoned to return to The Bahamas and attend the then “fledgling” Eugene Dupuch Law School. While pursuing Bar preparation in the UK was an option, to me the benefit of returning home and receiving jurisdiction-specific training while beginning to build my professional network trumped any benefits of continuing my professional studies abroad.

What was your favourite subject/s while here and why?

Civil Procedure hands down. I like rules and certainty

and as it is very heavily “rules-driven”, I fell in love with Civil Practice and Procedure very early.

What would you look for in hiring graduates from EDLS today?

I think the most important characteristics of a young lawyer are a real interest in and curiosity about the law, a willingness to learn and strong work ethic. With that triad of qualities, a newly-minted lawyer will find his feet quickly and will become an asset to any organization they join.

Which of your personal traits and professional skills helped you the most in your career?

Discipline and humility. I have always taken a very disciplined approach to work. I seek to ensure that every item of my work product is the very best that I can produce and this approach has always inured to my client’s or my student’s benefit. Remaining humble allows one to be open to learning from whomever one interacts with in a professional environment be that a very senior member of the Bench or Bar, a first-year law student or a legal assistant. On occasion that meant learning what not to do, but you get the picture. The law and practice are ever-evolving and the best lawyers never stop learning.

If you could go to Bar School all over again, what would you do differently?

I honestly wouldn’t do anything differently. I certainly made the right decision by choosing to attend EDLS as that was the launchpad for my career in law as I was head-hunted by McKinney, Bancroft & Hughes straight out of law school where I had the privilege of honing my craft under the tutelage of some of the best at the Bar. Additionally, as EDLS was a smaller school, I felt that my tutors were vested in my success. My cohort and I learned early that we were stronger together and the bonds and connections we made at EDLS continue today, nearly twenty years later.

Bonus Question - Why teach here?

As trite as it may sound, I love the law, I love teaching and I am a patriotic Bahamian who wants the best for my country.

The opportunity to teach here in the Legal Aid Clinic at EDLS thus allows me to engage with what I love professionally while hopefully making a positive impact on the next generation of Bahamian lawyers and increasing and improving access to justice here in The Bahamas. 🇧🇸



**Bethsheba
Rolle Haven**

International New Business
Officer, CitiTrust (Bahamas)
Limited

Why did you choose EDLS for Bar School?

I was proud that The Bahamas had joined Jamaica and Trinidad & Tobago in opening its own Bar School and choosing it seemed like the most natural progression. Also, the fact that attending EDLS would bring me closer to family and friends was a huge bonus because it

provided an additional support system.

What was your favourite subject/s while here and why?

This question is a tough one, but if I had to choose, I would say that my favourite subjects were Landlord and Tenant and Legal Aid Clinic. For some reason I was always attracted to the law relating to real property and that is why I enjoyed working in Conveyancing for the first 8 years of my career. My time spent in the Legal Aid Clinic was another favourite of mine I think mainly because I was able to connect with people and assist with real-life legal cases.

What would you look for in hiring graduates from EDLS today?

I would look for students who pay attention to detail, are focused, organized, moldable and have the ability to take constructive feedback.

Since leaving, what have you been up to?

After graduating Bar School, I spent 8 years in the Conveyancing Department of Graham, Thompson & Co. where I worked with the senior partner. I absolutely enjoyed the work and had exposure to other areas like estate, shipping and immigration matters. Then I decided that it was time to take on a new challenge in a completely different area of the law, offshore banking. An opportunity arose and I joined the legal team at Citi Bahamas as Head of Legal. In this role I handled a myriad of legal issues encompassing both complex and routine matters. It was an opportunity to build upon the knowledge and experience that I had already acquired. In 2016 however, I decided to transfer into the

trust department at Citi as an International New Business Officer, which has opened up my world to an even greater extent than any of my earlier roles. It is dynamic, challenging and rewarding and has provided me the opportunity to try to conquer my Achilles heel ... the law of Trust.

Which of your personal traits and professional skills helped you the most in your career?

I would say that several traits have helped. I am very organized; always willing to learn (i.e. not think that I am a "know it all"); receptive to feedback and the ability to focus on the task at hand. I also, am always thinking of the client's best interest and am driven to never let myself or others who invested so much into me down. These have helped me tremendously in my career.

If you could go to Bar School all over again, what would you do differently?

Absolutely nothing! I worked hard, had fun and made lifelong friends. The memories created during Bar School will always be cherished. 🙄



TO BE OR NOT TO BE - MANDATORY VACCINATIONS?



Vaccines are a powerful tool in the fight against COVID-19. Studies show that while vaccinated persons can still contract and transmit the virus, the risk of serious illness and the need for hospitalization are greatly minimized. Faced with vaccine hesitancy attributable to religious beliefs, medical concerns, fears about using an “experimental” non-FDA approved vaccine, conspiracy theories, misconceptions and other causes, the Government has the difficult challenge of reversing the low vaccination uptake for a country now deep in the throes of a third wave while seeking to fully reopen and jumpstart the economy. It is no surprise that a debate rages on whether the Bahamian Government should impose mandatory vaccination policies (MVPs) in order to mitigate the spread of COVID-19 and reduce the strain on an over-burdened healthcare system.

Despite its name, mandatory vaccinations are not truly mandatory in nature as vaccination is not forced. Rather, MVPs aim to push persons to become vaccinated by threatening direct or indirect consequences in the event of non-compliance. For example,

mandatory vaccination may be imposed as a condition to travel or to attend school or work. The most extreme forms of MVPs are those that impose legal penalties such as fines for non-compliance. It should be noted that the common law recognizes the obligation of educators and employers to provide a safe school and work environment respectively, which would arguably include a contagious disease-free environment.

MVPs were first imposed during the 19th century with the emergence of the smallpox disease and played a vital role in significantly reducing mortality rates and preventing the spread of the disease.

Just as MVPs are neither new nor emerging policies so too the debate on mandatory vaccination has engaged mankind from the moment pandemics started wreaking havoc on humanity. Opponents to MVPs advocate that an individual’s right to liberty and privacy and one’s body sovereignty is the paramount consideration holding greater importance over the public health benefits derived from MVPs.

While our Constitution holds inviolate fundamental rights and freedoms, our founding fathers also recognized instances where the imposition of restrictive laws could be reasonably justifiable

JAB OR NO JAB Who Decides?

By Asha Lewis -
Year 2 Student

where necessary to safeguard the public health and public good.

Recently, St. Vincent and The Grenadines residents protested proposed mandatory COVID-19 vaccination of certain public sector workers which would sanction job loss on non-compliance. Whether the constitutionality or legality of mandatory COVID-19 vaccination policies or laws, if enacted, would be tested regionally in our courts remains to be seen.

Historically and globally various MVPs and legislation have been upheld. In 1905, the United States Supreme Court in the landmark case of Jacobson v Massachusetts 197 U.S. 11 (1905) solidified the government's right to implement laws that restrict a person's liberty, where it was considered a reasonable means to achieve public good. Mr. Jacobson, a Boston resident, had unsuccessfully challenged a compulsory vaccination order which imposed upon him a \$5 fine for refusing to take the smallpox vaccine, which was then being administered door to door.

In April 2021, the Grand Chamber of the European

Court on Human Rights in Vavříčka and Others v the Czech Republic (Applications nos. 47621/13 and 5 others) held that a policy that prevented unvaccinated children from attending schools, and subjected their parents to a fine was not incompatible with the European Convention on Human Rights.

Despite the benefits of MVPs, the public necessity exceptions allowed under the Constitution and any obligations imposed at common law, there are many who are of the view that the Bahamian government should not implement MVPs because of the because of the paramountcy of an individual's right to liberty, personal autonomy, and body integrity. They argue instead that the Government should adopt less intrusive means of achieving herd immunity against COVID-19.

In the realm of public health ethics, the "principle of least restrictive" supports the use of policies that can accomplish public health goals, without intruding on an individual's personal rights and freedoms. Mandatory vaccinations lean towards the more restrictive

end of the scale while educational campaigns, "nudging policies", and incentivization tilt the scale towards less restrictive.

The government should therefore redouble its efforts to eradicate misinformation about the vaccine and educate the public on the benefits of the vaccine and the vaccination process while explaining the minimal but possible side effects.

The government can also implement nudging policies. These are measures aimed at changing human behaviour in a predictable way without interfering with a person's right to freedom of choice. For example, recently the government of Antigua implemented a policy giving public service workers the choice of either getting the free vaccine or taking a COVID-19 PCR Test at their own expense.

Routine offering, another nudging policy, is the scheduling of the administration of the vaccine at a specific setting such as a school, workplace, or hospital. Routine offerings make it more likely that persons would get the vaccine when they see their fellow colleagues doing the same.

However, it can be a mandatory condition to routine offerings that those who opt out must attend an educational session on the effectiveness of vaccines, and the benefits of taking the COVID-19 vaccine. (Gostin & Ratzan, 2021).

Incentivization measures reward vaccinated individuals by, for example, allowing vaccinated individuals to participate in larger social gatherings or to have a “pass” from mask wearing while engaging in certain activities such as indoor dining. However, such measures have received some criticism for endangering the public safety and for also being unfair and even discriminatory in their

unequal treatment of unvaccinated individuals.

In the debate of “Jab or no jab?” I submit that there are strong arguments that may be made in favour of pro-choice. Any attempts to implement MVPs by the Bahamian government should be approached with caution because they interfere with an individual’s personal liberty and autonomy. Rather, the Bahamian government may wish to implement vaccination policies which educate, nudge , and incentivize as they are effective alternatives and less intrusive means of increasing vaccination uptake and achieving herd immunity. 🇧🇸





My Experience as a Participant in the Commercial and Financial Services Law Clinic

Lethea Carey - Year 2 Student

My two years at the Eugene Dupuch Law School (EDLS) have been a simultaneously challenging and rewarding experience that has prepared me for my future as an attorney.

One aspect of my journey at EDLS that stands out in particular is participating in the Commercial and Financial Services Law Clinic. This Clinic is designed to introduce student participants to various aspects of practice in commercial law and prepares them for the transition from being a student to being an attorney in the complex and diverse practice of commercial and financial services law. As a participant of the Commercial and Financial Services Law Clinic 2020-2021, I embarked on a journey of invaluable

knowledge and experiences. Directed by Mr. Darron Ellis, a Tutor at EDLS, the programme provided students with an interactive and hands-on experience into the real life of a burgeoning commercial attorney. I firmly believe that this experience and education have facilitated and nurtured my growth for when I become an attorney. Many educational activities made up the Clinic's curriculum; these included various seminars, article writing, and the STEP Moot.

Seminars The Clinic's journey commenced with a memorable seminar by Attorney Paul Davis of the law firm Higgs & Johnson, who introduced the basics of trust law and provided

invaluable insight into the demands of the trust and fiduciary services industry.

We had the opportunity to interact virtually with Justice Camille Darville-Gomez, former Registrar of the Supreme Court, who held a seminar on the role of The Registrar and the various court Registries and how they operate. We had the pleasure of interacting virtually with the Justice Andrew Forbes and the President of The Bahamas Bar Association, Mr. Khalil Parker, who spoke to us on the misuse of client funds in practice and the importance of integrity within the profession. Again, via ZOOM, we engaged with Ms. Joann Fritz-Creary, the Legal Counsel of the Financial Intelligence Unit, which is responsible for analysing and

disseminating information related to the proceeds of crime to combat money laundering and terrorist financing. Finally, we also had the opportunity to engage with Mr. Kevin Demeritte, the External Relations Officer of the Central Bank of The Bahamas and Mr. Keenan Johnson, the Legal Counsel for Citibank in The Bahamas and the Cayman Islands.

Through these seminars, my colleagues and I were exposed to the life of commercial attorneys and to various professions within the financial services industry that are available in our country. This was an essential aspect of the Clinic for me. I truly appreciated the exposure and information that we were given about the career opportunities that exist for lawyers outside of a law firm. It was a reminder for all of us to think outside of the box and that the skills we acquired at EDLS can be used in various professions. We were also given insight into the real practice of law and tips on how to adjust to life after the successful completion of Law School whether it is inside or outside of a law firm.



Pictured left to right: Tennielle Bain, Lethea Carey and Alleecia Delaney

Central Bank of The Bahamas Article Furthermore, we were tasked with writing an article on the role of the Central Bank of The Bahamas and in particular the issue of whether the Central Bank of The Bahamas has a legal duty to protect consumers from the predatory actions of commercial banks and if so, whether this duty has been breached. The students within the Clinic were divided into two groups to prepare the article, one group being for and the other against. My group's article posited that the Central Bank of The Bahamas as the supervisor of domestic banks, has a legal duty to protect consumers from predatory lending practices. Predatory lending is a prevalent tactic utilized by some banks to take advantage of lower-income Bahamian consumers. There have been complaints about the predatory practices of commercial banks in The Bahamas concerning their high fees and high interest rates. As such, many of the commercial banks have been accused of predatory lending in the country. It was a wonderful experience working with my group members which involved us collaborating and conducting research on this matter to complete our article. I was also tasked during the Clinic with conducting research and drafting an opinion on whether hashtags can constitute trademarks within the Bahamian statutory framework.



Pictured left to right: N. Leroy Smith, Jonathan Deal, Nia G. Rolle, Skyler Deveaux, Lavette Kemp and Duranda Minus

STEP Moot Finally, the most memorable and rewarding part of the Clinic was the annual Society of Trusts and Estate Practitioners (STEP) Moot. The STEP Moot is a Trust Law Moot. Two groups of three students were assigned to competing law firms, Lennox Paton and Higgs and Johnson, to work alongside the law firms' respective attorneys in litigating a trust question which was written and prepared by Sean McWeeney Q.C.

Tennielle Bain, Rayshon Deleveaux and myself were assigned to Lennox Paton while Skyler Deveaux, Lavette Kemp and Duranda Minus were assigned to Higgs & Johnson. I was selected by

Lennox Paton to be a part of their team in the STEP Moot.

The arguments were presented before Sir Michael Barnett, President of the Court of Appeal, as well as Justice Ian Winder, and Justice Indra Charles, both Justices of the Supreme Court of The Bahamas.

I had the opportunity to present the rebuttal submissions on behalf of the Defendant in the matter alongside my Senior, Ms. Allecia Delancey, who presented the main submissions. The attorneys at Lennox Paton had entrusted me with researching and drafting my own rebuttal submissions and I participated in the research and drafting of the main

submissions. I worked extremely hard to represent the law firm to the best of my abilities.

This opportunity truly changed my life. I was able to experience the life of a practicing attorney and work alongside such esteemed attorneys within a prestigious law firm. It was also indeed a true privilege to present before three of the most esteemed Judges in The Bahamas.

The STEP Moot resulted in Higgs & Johnson being victorious. However, I was immensely proud of my team, and it was an incredible experience that I will never forget. The experience also enhanced my time management skills as I

had to complete tutorials and assignments along with preparations for the Moot. Preparing for the Moot required many days and nights of researching, drafting, and practicing at Lennox Paton alongside the firm's attorneys and my team members. These are memories that I will hold forever. Therefore, it is quite easy to say that the knowledge and the experience that I gained from the Commercial and Financial Services Clinic as a whole are simply priceless. 🙏



Pictured left to right: Duranda Minus, Lavette Kemp and Skyler Deveau



Save the Planet
one tree
at a
time.



The Environmental Law Clinic's Fight for Our Environment

By: RaSean Longley - Year 2 Student, Member of the Environmental Law Clinic



Pictured left to right: Gary Rolle III, Erin Adderley, Victoria Morris, Raquel Williams, RaSean Longley and DeVaughn Rolle

Renewable energy, climate change and recycling were 3 themes that echoed throughout the discourse of our 7-member strong Environmental Law Clinic (ELC) as we set our agenda of environmental protection for the year. The ELC determined to highlight the negative impact of some of humanities' activities upon our environment, raise awareness of some of the challenges and strains on our environment and invite fresh ideas from our young minds on possible solutions.

Year 1 students, DeVaughn Rolle, Gary Rolle III and Frank Saunders and Year 2 students Erin Adderley, Victoria Morris and myself, RaSean Longley under the guidance of our Clinic Supervisor, Raquel Williams set out

to champion the fight for our environment starting with the 3 themes identified.

Recycling Initiative Our discourse on recycling led to the introduction of an initiative to collect plastic bottles and cans for recycling from EDLS staff and students. Victoria Morris and Gary Rolle III in their article *"Trash Talking: The Recycling Edition"* (Page 46) provide further insight on the benefits of recycling and the implementation of the Recycling Initiative and challenge us to do our part to reduce, reuse and recycle.

Celebrating International Day of Forests In our fight for the environment, it is important to recognize the crucial role of forests to our human existence for example,

by balancing oxygen and carbon dioxide levels; providing food, shelter and jobs; and mitigating the effects of global warming and climate change.

economic and sustainable benefit to The Bahamas within the next 50 years.

Do you think you know the answer? In my article *“High School Students weigh in on*



Pictured left to right: Victoria Morris, Raquel Williams, Erin Adderley and RaSean Longley

The ELC brought out the “tree huggers” amongst our EDLS family and celebrated **International Day of Forests** with a photo competition. Each House was encouraged to gather as many team members as possible and take an “epic” photograph of members showing love and appreciation for trees.

Photographs were posted on Facebook and Instagram and the winner determined based on the most likes. Davis House emerged the winner with each team member receiving an environmental pin.

First Annual High School Essay Competition
Our efforts to raise environmental awareness extended beyond EDLS with the launch of our **First Annual High School Essay Competition** which challenged high school students to consider the form of renewable energy source which would generate the most

Renewable Energy Sources, (Page 86) I reveal the answer to the question as well as the winners of the Essay Competition and share some of our favourite highlights from the essays.

Environmental Law Webinar The year culminated with our first Webinar under the triple theme of **“Renewable Energy, Climate Change and Our Fight for the Environment”**. The topic held special significance to the members of the ELC in light of Hurricane Dorian which ravaged the islands of Abaco and Grand Bahama in 2019.

Climate Change adversely affects weather patterns and increasingly we are witnessing changes in the intensity, frequency and severity of hurricanes. Based on our research, we found that the use of renewable energy sources can minimize climate change by

reducing greenhouse gas emissions. According to **Our World In Data**, in 2019, The Bahamas emitted 1.98 million tonnes of carbon dioxide. While it is true that this figure is relatively small compared to other countries across the globe, we all must still do what we can to implement renewable energy in our daily lives while advocating for others to do so globally.

Our **guest speakers** for the Webinar were Mrs. Shelley Cant-Woodside, Dr. Lisa Benjamin and Mr. Crispin Hall. They were introduced by students, Victoria Morris, Rasean Longley and Gary Rolle III respectively.

Mrs. Shelley Cant-Woodside, the Director of Science and Policy at The Bahamas National Trust, set the stage by explaining the science of climate change and its effects which include global warming, land flooding, severe weather, ocean acidification, ecological shifts and rising sea levels. She extracted a model prediction from Climate Central which foreshadowed most of the inner city, eastern and southern areas, and the shorelines of New Providence being at risk of flooding by the year 2100. On the bright side, Mrs. Cant-Woodside proffered the use of renewable energy sources, as key global solutions to climate change. Solar energy was said to be one of the most abundant energy source globally.

Dr. Lisa Benjamin continued the discussion on climate change but shifted focus on the legal aspects. A former law professor at the

College of The Bahamas (now University of The Bahamas), Dr. Benjamin is currently an Assistant Professor at the Lewis & Clark Law School in Portland, Oregon. She is well-known in The Bahamas as an expert on climate change with a focus on small island developing states and has lent her expertise to serve as a member of the Compliance Committee (Facilitative Branch) of the United Nations Framework Convention on Climate Change (UNFCCC) and as adviser to, and a member of, the Bahamian National Delegation to the UNFCCC.

Dr. Benjamin explained the UNFCCC, the 2015 Paris Agreement Treaty and the Kyoto Protocol which aim to combat climate change by reducing greenhouse emissions. She noted that there was a need for national and comprehensive strategies to address the migration and displacement of persons due to climate

change. Dr. Benjamin shared that by 2050 a total of 140 million persons in the poorest part of Africa, Asia and Latin America could be displaced as a result of climate change.

Dr. Benjamin drew attention to the decision of the United Nations Human Rights Committee (UNHRC) in the case of Ioane Teitiota. Teitiota's plea to New Zealand for asylum as a refugee due to alleged displacement caused by climate change was rejected. He was also unsuccessful before the UNHRC. Teitiota claimed he was forced to flee his home in the Pacific Island nation of

"Raising awareness on the most pressing environmental issues of our time is more important than ever."

Leonardo De Dicaprio

Kiribati due to rising sea levels and other devastating consequences of climate change.

In her thought-provoking article, *“Sun, Sand and Rising Seas: The Effect of Climate Change on The Bahamas”*, (Page 77) Erin Adderley continues the discussion on the displacement of persons due to climate change and hypothesizes on the likelihood for The Bahamas.

Mr. Crispin Stanley Hall is a graduate of the University of the West Indies and a 2015 EDLS alumnus. While an attorney at the law firm Callenders & Co., Mr. Hall appeared with Mr. Fred Smith Q.C. on human rights and environmental matters. In July 2020, Mr. Hall was appointed to the Office of the United Nations High Commissioner for Refugees as the Associate Protection Officer for The Bahamas. Mr. Hall explained that challenges to governmental decisions affecting the environment are commenced by way of judicial review. In judicial review proceedings, a judge reviews the lawfulness of a decision

or action of a public body. Mr. Hall also examined the environmental legislative infrastructure and discussed some of the challenges faced in environmental litigation such as an order for security for costs against an applicant. An order for security for costs requires a party, usually the applicant/plaintiff to pay money into court or to provide a bond or guarantee for payment of the other side’s litigation costs.

The ELC again thank our guest speakers, Mrs. Shelly Cant- Woodside, Dr. Lisa Benjamin and Mr. Crispin Hall for imparting their knowledge on *Renewable Energy, Climate Change and Our Fight For the Environment*. You have helped us achieve our goal of raising awareness on these issues and on a personal level we look forward to putting this information into good use.

The ELC will continue to advocate for legislative and policy changes and to educate and raise awareness on environmental issues.



“Ready, Set, Go!” – The Exit Seminar for the Graduating Class of 2021

By Cashena Thompson – Year 2 Student

The Exit Seminar for the Graduating Class of 2021 was held on Thursday, August 12, 2021, at The Bahamas Bar Association’s Conference Room under the theme “**Ready, Set, Go!**” With COVID-19 protocols and safety measures in mind, the Law School made the Seminar available to us in person or remotely, via Zoom, for those unable to physically attend. The purpose of the event was to equip students with the tools needed for advancing their professional legal careers after Eugene Dupuch Law School (EDLS). The Seminar’s schedule of events promised to be educational, informative, and invigorating, and, without hesitation, stood true to that promise.

The Seminar began promptly at 9 a.m. and, as the theme suggests, was split into three segments all geared towards preparing soon to be graduates for life after receiving their Legal Education Certificate.

Ready

The first segment, entitled “**Ready**”, focused on providing us with the tools needed for call to The Bahamas Bar and for practice in the virtual space. The first session in the **Ready** segment was entitled “**Readying for Bar Call**” and was conducted by Ms. Michela Ellis, a partner at the law firm, Graham Thompson, and the Honorary Secretary of The Bahamas Bar Association. Ms. Ellis discussed the Bar application process which included the documents comprising the application, and the steps and deadlines

involved. She highlighted common mistakes made by applicants and gave pointers on how to avoid them.

The second session of the **Ready** segment was entitled “**Ready for the Virtual Space**”, and was presented jointly by Ms. Ellis and Ms. Carol Misiewicz, the Deputy Registrar of The Supreme Court of The Bahamas. Ms. Misiewicz discussed certain “**do’s and don’ts**” when communicating with Counsel and the Court. She shared common mistakes made by attorneys which she has encountered as Deputy Registrar and gave advice on what should be done to ensure effectiveness and efficiency of matters. She advised that as attorneys, we must display courtesy in our interactions with the Court and Registry’s staff.

Ms. Ellis continued the discussion in this session by providing us with additional “**do’s and don’ts**” for working in the virtual space, particularly in a law firm and during virtual hearings. The information imparted included some tools already cemented throughout the course of Law School such as having a laptop with strong internet connection and counsel’s role of being of assistance to the court.



These key tips given in the **Ready** segment were both timely and edifying as we prepare ourselves for practice.

Set

The purpose of the second segment entitled “**Set**” was to ensure that we had the essential knowledge and life skills for success. This power-packed segment comprised three sessions on networking, brand-building and wealth creation.

In the first session, “*Setting the Stage - Networking and The Art of Not-So-Small Talk*”, Mr. Wence Martin, Attorney-at-Law and Council Member of The Bahamas Bar Association emphasized that “**small talk can yield big results**”. He gave some basic tips to assist us for example how to introduce ourselves, types of conversation starters and the importance of maintaining eye contact and smiling. He also indicated that it is necessary for us to use names and be cognizant of both our verbal and non-verbal conversations. These tips are particularly important since being able to effectively communicate and network can be intricately linked to the advancement of one’s legal career.

The second session, “*Set! Launching Your Professional Brand*”, was conducted by Ms. Leah Davis, Principal of Concepts Marketing Solutions. Her presentation began with ‘*Mamba mentality*’, a well-known phrase coined by the late Kobe Bryant, which means, in short, to continue to consistently be the best version of yourself. This phrase resonated with us and was also monumental as, having completed examinations and with the “real” work ahead of us, we were now being reminded to continue to strive for excellence

in all aspects, especially where our Professional brand is concerned. In keeping with this theme, Ms. Davis stressed the importance of being **consistent, authentic, and visible**. She indicated that we should always consider our **Unique Value Proposition (UVP)** which is a concise statement about the benefits we offer to the customer or in our case, future employers and clients. She challenged us to consider what sets us apart from others, to uniquely build our professional brand and make ourselves and our resumes more attractive to prospective employers.

The third session, “*Foundation For Wealth Creation*”, was presented by Mr. N’Nhyin Fernander, CEO of O’cof Financial Services. Mr. Fernander shared with us some tips for wealth creation. The first and perhaps most important thing to note is that wealth is more than money. He encouraged us to think long term. This meant investing in ourselves through not only stocks, bonds but also in things that would advance our individual goals



and professional careers. Mr. Fernander noted that understanding the terms of any financial agreement one considers committing to is of the utmost importance, particularly those that may bind persons for a long period of time since it may stagnate financial growth.

Nevertheless, he emphasized that everything happens over time and urged that in the interim we should take care of our health and well-being. As we prepare to launch our careers and earn a living, Mr. Fernander's tips on the importance and value of wealth creation were necessary and impactful.

Go!

Having been made **Ready**, and now being **Set**, the final segment of the Seminar sets us off with **"GO!"** Mr. R. Dawson Malone, Partner at the law firm, Callenders & Co. presented on **"Out Of The Starting Block- Secrets To Being An Effective Junior"**. Mr. Malone shared that an effective junior must be **on top of organization**. This means that not only should a junior be organized but also, he/she should ensure that his/her senior is organized. The effective junior should be ahead of deadlines. He noted that we should write instructions down clearly while also being concise. He advised that if a mistake is made while acting on those instructions, we should be honest about it rather than trying to correct it by ourselves. In addition, Mr. Malone encouraged us that being respectful is of utmost importance.

Concludingly, the Exit Seminar was a success, and was perfectly themed and executed to prepare us for life after graduating Law School. The information imparted was well received and relatable. Congratulations to the soon to be graduates on a job well done! Wishing you every success in your future endeavors! 🍀



IMPOSTER SYNDROME



Don't Let Imposter Syndrome Hold you Back! Enjoy Your In-Service Experience!

Jonel Johnson - Year 2 Student

One of the requirements needed to successfully earn a Legal Education Certificate (LEC) at the Eugene Dupuch Law School (EDLS) is to complete ten weeks of in-service training at the end of a student's first year. In-service training links theory and practice by giving students an opportunity to gain hands-on experience of what has been taught under the supervision of experienced practising attorneys. However, due to the COVID-19 pandemic, the Emergency Orders prohibited business categorised as non-essential from opening. In the summer of 2020, with law firms closed and lawyers working from home, many law firms were not in a position to accept interns, leaving the in-service training in abeyance and many then Year 1 students, including myself, nervous as to whether we would find placement before our pending graduation scheduled for the following year.



With the uncertainty of the pandemic hovering over our lives, the in-service training programme made allowances for students to complete the in-service requirement by the summer of 2021, reduced the ten week-requirement to eight weeks, and permitted working remotely as determined by the law firm.

After months of waiting, in June 2021, I, along with four other EDLS students, underwent in-service training at a local law firm specializing in litigation, real estate and financial services. My colleagues and I were not there solely in hopes of satisfying LEC requirements but rather to put the skills we had learnt throughout the two years to good use and hopefully gain a few more. We were each assigned to a partner in the firm who gave us daily tasks to complete. We were expected to report back to our assigned partner with the work completed and often engaged in discourse about what we were learning throughout the process and how our time at the firm was going.

In the first year of the LEC programme, we often questioned whether everything we learned in each course was valuable to us. Mr. Guy often stated that you never know where you may end up or what question may be brought your way, so be prepared for it all. Oh, was he right! On my first day of in-service my senior, who was working on a pro-bono matter, asked me to research the procedure for entering video footage into evidence in the Magistrate's court. As a second-year student, it is safe to say that my memory from the Law of Evidence course was quite bleak. I wish I could have called a lifeline for assistance. In that moment, I saw

the value of the LEC certificate and the wide exposure to different fields of law. At the end of the day, you never know what case may fall upon your desk.

For eight weeks I was treated and acted like a regular employee. I had to be there at 9 a.m. every morning, dressed professionally, and ready to complete client matters to the best of my ability, no matter how I was feeling personally. Over those eight weeks, I developed relationships with my co-workers, honed my analytical, research and writing skills, and was exposed to different legal matters.

The importance of the in-service experience is invaluable. However, as beneficial as this opportunity is, I (and maybe other students) experienced a personal challenge which I thought no one would understand – imposter syndrome. The unspoken truth is that in-service training also can give birth to situations where a student's belief in his or her own abilities may waver. Even though in-service training provided me with the opportunity to apply the knowledge learnt at Law School it also led to insecurities and worries when surrounded by experienced attorneys. I often asked myself *"Is my answer the right answer?"*, *"Will they think I'm smart from this legal opinion I'm submitting?"*, *"Am I qualified to be here?"* In the beginning, I often shied away from expressing my ideas on legal cases as I was so nervous just to be in the same room with my seniors. A quick Google search calls this "imposter syndrome" and involves experiencing feelings of self-doubt and inadequacy despite one's successes and attributing one's accomplishments to mere luck. Nonetheless, I quickly realised that if continued on this path,

I would not be able to seize this amazing opportunity for what it really is.

For those of us who are constantly in pursuit of a goal, we often forget all that we have accomplished thus far. This is especially so when surrounded by those who have been doing this for a longer time and have accomplished more. But, completing in-service training is an accomplishment all on its own. The past eight weeks showed me that I am dedicated to my legal career and that I will go above and beyond to get the job done. For readers who may experience feelings of self-doubt, pause, compliment yourself and remind yourself that you are worthy of the opportunity you have. It is not just by chance or mere luck that you are here.

In articulating my fears and insecurities, I hope to encourage other students so that they may not feel alone. Students should not be intimidated with where they are right now as the same experienced attorneys were once in their shoes, facing the same struggles. As students beginning in-service training it is good to remember that we all start somewhere.

Your weeks of in-service is the chance to grow personally, network and hone the legal skills you have gained during your time at EDLS. You also gain a better understanding of how the legal field works – you are given a matter (although you may not always agree or it is not always a winnable side) and you are expected to produce the best results for your client. But, most importantly, it allows you to gain a sense of professionalism. So, I would advise everyone to utilise the eight weeks to the best of their ability. There is much to gain from it on both a professional and personal level. 🙏

A close-up photograph of a hand reaching out from a red sleeve, palm facing forward in a universal 'stop' gesture. The hand is positioned behind the main text, with fingers slightly spread. The background is a soft, out-of-focus grey.

STOP CYBER BULLYING

A cyber bully makes use of any digital technology to embarrass, harass or threaten others.

DON'T BE A BULLY!



Pictured above: Members of the Criminal Law Clinic at the Simpson C. Penn Centre for Boys

Stop Cyberbullying - Legal Aid Criminal Clinic

Shaneka Carey - Year 2 Student

With the advent of social media, cyberbullying has become more prevalent in The Bahamas. It is no respecter of persons as victims range from the very young to decades-old adults. Many perpetrators labour under the misconception that words “spoken” in cyberspace do not carry real-life consequences. Considering this, the Legal Aid Criminal Law Specialist Clinic embarked on a campaign to educate and sensitize the Bahamian

about the legal ramifications of cyberbullying.

Although not specifically mentioned in the legislation, cyberbullying is prosecuted under the wider offence of libel. By law, sharing false information that damages the character or professional reputation of an individual may be defamation of character. An individual who intentionally or negligently shares words or images that wrongly injures a person’s reputation or exposes that person to hatred or ridicule

may be guilty of libel which is one type of defamation. This is a criminal offence. More specifically, the intentional sharing of false and damaging information about a person over digital devices such as cell phones, computers or tablets is cyberbullying. Persons who are found guilty of this offence may be sentenced to prison.

The information on cyberbullying was disseminated through two channels: a public service announcement (“PSA”) shared on social

media platforms and an oral presentation made to a group of young men at the Simpson Penn School for Boys.

The script for the PSA was written by second-year students Cashena Thompson and Lilnique Murphy.

The cast consisted of second-year students Lilnique Murphy, Cashena Thompson, Xandrell Bain and Shaneka Carey as well as first-year student, Tamika Roberts.

Special thanks to Sgt. Dwayne Mackey from the Royal Bahamas Police Force, who directed, recorded, edited and produced the final product of the PSA. This PSA was also done in conjunction with the Royal Bahamas Police Force.

The presentation to the faculty and residents of the Simpson C. Penn Centre for Boys was done by Cashena

cyberbullying is carried out, the effect it has on victims, and the legal consequences for the perpetrators.

The group was made up of approximately fifteen juveniles currently residing at the state facility. The session

was an interactive one with participants taking the opportunity to ask questions for greater insight into the topic.

Overall, this campaign was a successful one as the PSA was shared widely and received many views. The Criminal Law Clinic intends to continue to educate Bahamian communities on similar legal matters.

**“There’s no room for hate and violence in this world. We must learn to be more kind, compassionate, empathetic, and sympathetic to humanity.”
- Germany Kent**

Thompson and Lilnique Murphy. The pair presented salient information on the most common ways





EDLS Recycles

Saving the planet



Tetrapaks

Milk cartons
and soup
containers



Metals

Aluminum,
tin and steel.



Plastic

#1, #2, #3, #4
#5 and #7



Cardboard

Must be clear
of all items
with no
grease and
other
residue.



Paper

Magazine,
paper,
newspaper,
cardstock.



EDLS does
NOT recycle
the
following
items:

Styrofoam, glass,
wood, food, straws,
plastic bags, liquids.

Talking Trash - The Recycling Edition

Victoria Morris - Year 2 Student
& Gary Rolle - Year 1 Student
(Members of the Environmental
Law Clinic)

Did you know that once your garbage is collected it is taken to a landfill where it sits for weeks, months and even years until it begins to decompose?

The article “Fleeing the Fire,” published in the Tribune on March 6, 2017, reminds us of the possible dangers of an overcrowded and mismanaged landfill. The article recounted residents in the areas surrounding the ‘Nassau dump’ being forced to evacuate their homes in order to escape the smoke and other toxic fumes emanating from the dump which had caught afire.

Without a doubt, recycling combined with proper disposal measures helps to reduce the negative impacts to our environment caused by pollution and global warming. The New Providence Ecology Park has since assumed management of the Nassau dump with promises of more environmentally friendly and sustainable waste management practices, hopefully putting incidents of dump fires behind us. Regardless, each one of us still owe it to ourselves and to future generations to reduce the amount of waste we dispose of by making a conscious effort to recycle and reuse.

Simply put, recycling means converting waste into reusable material. The benefits of recycling include the reduction in the amount of solid waste collected at the “Nassau dump” and other landfill sites, conservation of our natural resources, reduction in the emissions of greenhouse gases, energy savings, job creation, and advancements in the development of environmentally friendly equipment and technology.

Sparked by a desire to strike a conscious change in the minds of the Bahamian populace



about the benefits of recycling to the environment, the Environmental Law Clinic (ELC) thought *“What better place to start a recycling initiative than at the Eugene Dupuch Law School and with our Law School family?”* Principal Galanis readily jumped on board with the idea.

The decision was made to start our Recycling Initiative with aluminum cans and plastic bottles. The ELC reached out to Cans For Kids, a non-profit organization that partners with schools to collect aluminum cans for recycling. Cans for Kids provided the Law School with large containers for the collection of the recyclables and also collected and transported the recyclables to the landfill for further processing. Cans For Kids uses a densifier located at the facilities of Waste Not

Bahamas, a local waste collection and disposal company, to compress the aluminum cans into 2 foot cube briquettes, which are then shipped to a reclamation centre in the United States of America where they are made into new aluminum products.

The Recycling Initiative is an ongoing project; however, the ELC got our Eugene Dupuch Law School (EDLS) family excited about the initiative by hosting a small but friendly competition among the different School Houses to see which House would collect the most aluminum cans and plastic bottles over a one month period ending on March 19, 2021.

The competition got off to an initially slow start with students seeming to be focused on studies and coursework. However, things did not stay that way, as the interest crescendoed after some encouragement and motivation

were given. To this end, some may say that the competitive nature of law students was ignited because of the chance to engage in friendly competition and make a change while doing it.

In the span of one month, the students and staff of EDLS collected an impressive total of 2,549 plastic bottles and aluminum cans for recycling. For the competition period, Shaneka Carey, President of the Eugene Dupuch Law School Students' Association and Davis House member was the student who

brought in the most recyclables with a total of 399 while Tiffany Delaney, Executive Secretary to the Director of the Legal Aid Clinic and also a Davis House Member, surpassed both staff and students with an impressive 479 recyclables. It was not a surprise when Davis House won the competition. Each Davis

House member was rewarded with a recyclable shopping bag.

All in all, the recycling competition organized by the ELC was not only a success but also taught and encouraged participants to integrate those practices in their daily lives. The competition also showed how great the impact would be if the effort was multiplied on a national scale with every household, school, business and organization implementing recycling programmes.

Recycling does not only start and stop at EDLS. The ELC implores the students and staff of EDLS and the wider public to integrate recycling into their daily lives and to think twice before tossing something in the trash. ♻️





Pictured above: Students and Staff paying a visit to the Chief Justice during Legal Education Week held February 2020

Legal Education Week 2021 – Accessing Justice in a Whole New World

Contributions by Shaneka Carey, Cashena Thompson, Shequel McPhee, Clyde Newton, Rhodreka Strachan and Jonel Johnson

Legal Education Week (LEW) is a weeklong schedule of activities planned for students by the Eugene Dupuch Law School Students' Association (EDLSSA). This year's LEW was held from February 8 to 13, 2021 under the theme *"Accessing Justice in a Whole New World"* and featured a wide range of activities designed to educate, entertain and give students an opportunity to impact their immediate community through outreach. Due to the pandemic, this year called for creativity and ingenuity when planning all activities so as to ensure the safety of students.

Monday, February 8, 2021 *"The Paperless Court System"*

On the morning of Monday, February 8, 2021, LEW officially commenced with a virtual presentation from the Chief Justice, the Honourable Mr. Justice Brian Moree Q.C. on *"The Paperless Court System."* For Year 2 students, the topic was not an altogether unfamiliar one as in 2020 the Honourable Chief Justice addressed the student body on

the strategic plans to move the courts towards a paperless system. Thus, the Honourable Chief Justice's 2020 address on the impact of artificial intelligence on the legal field and the implementation of technology in the court system could be viewed as a precursor to his 2021 LEW presentation.

The Chief Justice stated that as a result of the COVID-19 pandemic, the judiciary was forced to move expeditiously to implement plans that were already in the pipelines for a paperless system. Consequently, documents



Pictured above: CJ, The Hon. Mr. Justice Brian Moree, Q.C. at the LEW, February 2020

Registrars via the e-document delivery portal. The portal allows attorneys to enter the case file number, the names of the attorneys involved in the matter and the date on which the matter will be heard. After selecting the name of the document, attorneys then select the name of the Judge or Registrar to whom the document should be delivered. Persons are also able to book search times at the different registries using an online portal. Additionally, Judges are hearing cases remotely. The Chief Justice opined that the new system is efficient and stated that he expected these processes and procedures to continue as the judicial system moves forward.

Speed Moot

The EDLSSA Speed Moot was also held on Monday. The mooters included both EDLS students and students from the University of The Bahamas (UB) pursuing the LL. B. Degree. Each UB student was paired with an EDLS student and as a team presented their arguments as Junior Counsel and Senior Counsel respectively.

The Moot consisted of three rounds: two elimination rounds and a final round. The first

two rounds were civil matters and the final round, a criminal matter. The winners of the first and second rounds advanced to the final round where they vied to become the overall winner. The winning team consisted of EDLS student, Mr. Angell Bevans and UB student, Ms. Ingeria Miller. Ms. Miller was also adjudged the Best Advocate.

Judging the Moot was The Honourable Mr. Justice Ian Winder, who commended not only the mooters but the Law School for hosting the event. Justice Winder expressed his hope that the Moot would become an annual event.

Tuesday, February 9, 2021

The Effect of Good Advocacy Skills in the Court Room

On the morning of Tuesday, February 9, 2021 the Honourable Mr. Justice Loren Klein presented to the students on *"The Effect of Good Advocacy Skills in the Court Room."*

Justice Klein stated that good advocacy is vital to the outcome of any matter before the court. He explained that advocacy includes all the work an attorney does on a matter. As such, it is important for attorneys to turn up to court early and fully prepared.



Pictured above: Speed Moot 2020-2021

Attorneys have a duty to do all that they can to move their client's case forward; however, attorneys should also keep at the forefront of their minds their duty to always treat the court with respect. This is all a part of advocacy. How an attorney fuses these elements together for the betterment of his client is what a judge and jury see in the court room.

Resultantly, an attorney who appears in court prepared by knowing his case and presents the evidence in a structured and coherent manner will assist the court with moving the matter forward without delays. This also ensures that members of the jury in a matter can effectively follow the evidence presented. This may also secure a decision in the attorney's favour.

Developing Your Advocacy Skills

Mr. Norman Davis, Senior Tutor II at the Norman Manley Law School (NMLS) and Course Director for the Law of Evidence, also presented to students on "*Developing Your Advocacy Skills*".

According to Mr. Davis, in developing your advocacy skills it is important to keep the following tips in mind.

1. **Law is about people.** If you are not interested in people, it will be very difficult to empathize with them.
2. **Your reputation as an advocate,** especially your reputation for honesty and integrity, is everything.
3. **Know your ethical rules.** These rules must govern how you conduct yourself and operate as an attorney.
4. **Preparation is everything.** It is important for you to know your case. Otherwise, too



Pictured above: CJ, The Hon. Mr. Justice Brian Moree, Q.C. and Principal Galanis at the LEW, February 2020

much of your focus will be on your notes what should come next. This will affect the delivery of the evidence.

5. **Be persuasive.** To do this you must have a clear understanding of your case.
6. In the presentation of your case, **the evidence must be relevant.**

Practising Law in the New World

Tuesday's evening session was hosted under the theme "*Practicing Law in The New World*". The goal of this session was to provide students with insight on how various areas of practice have changed due to the COVID-19 pandemic. Presenters were attorneys considered to be among the best in their respective practice areas. The session was broken down into three areas with the presenters as follows:

Compliance/Corporate Governance/ Commercial Law - Mr. Keenan Johnson, Mrs. Ambrosine Huyler-Higgs and Ms. Raven Rolle

Civil/ Trust - Mr. Wayne Munroe, Q.C. and Ms. Samantha Neilly

Criminal Law - Mr. Garvin Gaskin (Prosecution) and Mr. Roberto Reckley (Defence).

The presenters spoke briefly about their experience as young attorneys entering the work force and supplied tips for students on pursuing a career in the different fields of law. While the biggest change brought about by COVID-19 was the introduction of virtual hearings, each presenter made one resounding point namely - *the rules of advocacy do not change because they are practised in a virtual space*. If anything, attorneys are required to adhere to the rules even more closely to ensure that the court process is always fair and just.

Wednesday, February 10, 2021

Justice Stephen Isaacs Debate and Speech Competition

It was a pleasure to be able to host the third annual staging of The Honourable Justice Stephen Isaacs Debate and Speech Competition on February 10, 2021. On this occasion, participants presented face-to-face before a virtual audience.

The teams in the Debate Competition, St. Anne's School and Aquinas College, debated the moot, *"Virtual learning is just as effective as face-to-face learning."*

The Speech Competition saw 8 participants from St. Anne's School and Aquinas College collectively. The participants spoke on the topic: *"Social media has improved human communication. Do you agree?"*

The esteemed panel of judges consisted of Ms. Rosena Duncanson, Risk Advisory Senior Manager at Deloitte & Touche as well as Ms. Theominque Nottage and Mr. Tecoyo

Bridgewater, both Attorneys-at-Law and EDLS alumni.

The St. Anne's School was declared the victor in the Debate Competition while Aquinas College won the Speech Competition. Overall, the quality of the presentations made, and the depth of research done by the students were exemplary. The students



Pictured above: Justice Stephen Isaacs Debate and Speech Competition

acquitted themselves well and were lauded by the judges.

Friday, February 12, 2021

A General Look at Advocacy

On Friday February 12, 2021 at 8:30 a.m. we took a *"A General Look at Advocacy"* with Mr. Bernard Richmond Q.C., an experienced advocate based in the United Kingdom.

Mr. Richmond approached the topic by dividing advocacy into three subcategories: speeches, submissions and handling witnesses. When preparing to give speeches such as opening or closing arguments, the attorney must first consider the purpose of the speech - Is it to persuade or to tell a story? Based on its purpose, the next step is to decide on a case theme that will guide how the evidence will be presented. Ideas should

be delivered in a structured and focused manner that makes it easy for the court to follow the story being told. Advocates should take the time to properly develop the strong points in the case. Once these steps are followed the speech should have its desired impact.

Before making **submissions**, Mr. Richmond advised to first set out a roadmap to ensure that they make their points effectively and go no further. Thoughts should be organized in a way that allows the judge and jury to follow the sequence of events without difficulty. It is also good practice

to prepare skeleton arguments even if they are not required as this will assist in keeping the advocate on track.

Advocates should be good communicators

with the ability to tailor the style of their submissions based on the audience.

Witness handling is a skill that must be learned. Mr. Richmond stated that the advocate must know firstly why they are questioning a particular witness. Being able to control the witness is essential. He gave some techniques for witness handling:

- ♦ Asking short, simple questions.
- ♦ Ask for facts and not opinions.
- ♦ Avoid ambiguous questions.
- ♦ When conducting an examination in chief, ask open-ended questions and

eliminate leading questions. This ensures that the story comes out clearly and in chronological order.

- ♦ On the other hand, during cross examination, lead as much as you can by asking questions that require a yes or no answer only.

Succeeding at Pupillage and In-Service

Students next had the pleasure of hearing from Ms. Michele Martinborough on ***Succeeding at Pupillage and In-Service***. Ms. Martinborough is a Deputy Executive

Director, Senior Legal Counsel and Secretary to the Securities Commission of The Bahamas.

According to Ms. Martinborough, in order to succeed at pupillage and in-service students must stand out.

Students must use in-service as an opportunity to show that they are hard-working and committed to

learning. This will influence employers in their decision making when applications for pupillage are received. Additionally, the most effective pupil is one who can anticipate and meet the needs and expectations of their senior.

Scavenger Hunt

On Friday at 2:30 p.m. the EDLSSA commenced ***“The Justice League: Fiat Justitia”***



- an inter-house scavenger hunt involving legal riddles, funny clues and bonus surprises. Each House could select up to five members to represent their team. At the beginning of the hunt, participants were provided with a booklet of questions to answer and a list of riddles to solve. Clues were placed at various places on the Law School's campus and at significant landmarks near the campus. The task was to navigate in and around the Law School's campus, locate each treasure site, seek answers to the riddles and return to base all in the allotted time of two hours. There was a lot of exhilaration and excitement as teams ran or quickly drove, from place to place, in search of their next clue.

Never doubt the underdog! Though Sawyer, Blackman and Davis each had a five-man army, they were ultimately outran, out-driven and outplayed by Byron's three-man team. At the end of the hunt, the House point allocation was declared as follows:

1. **Byron** - 1200 points
2. **Sawyer** - 950 points
3. **Blackman** - 790 points
4. **Davis** - 775 points

In the end, there was a display of tremendous sportsmanship and coordination among the House members. All can agree that it was great to watch the teamwork amongst students who had been interacting via Zoom all year.

Saturday, February 13, 2021

Breakfast Feeding Programme and Clothing Drive

The EDLSSA recognize the importance of making a tangible impact on our community. As such, on Saturday, February 13 2021, at the Cynthia "Mother" Pratt Park located in the Coconut Grove community, the EDLSSA treated the community's members to a hearty Bahamian breakfast of grits, tuna and sausage. The EDLSSA also presented members of the community with clean, gently worn clothing donated to the EDLSSA's Clothing Drive by EDLS students and staff. However, due to the COVID-19 restrictions, only 8 students were able to be physically present for the event. The event was a success as the individuals in the community enjoyed the food and were grateful for the clothes, and the students were overjoyed to be a part of such a meaningful initiative. 🇧🇸



Pictured above: Principal Galanis and Students at the Breakfast Feeding Programme and Clothing Drive

Dine Arounds

LEW culminated with the Dine Around event on Saturday evening at 6 p.m. The primary aim of this event was to afford students the opportunity for face-to-face interaction in smaller numbers and to build camaraderie. Students residing in Nassau had the choice of dining at Aquafire, Compass Point, Twisted Lime, Blue Sail, Green Parrot or Syrah. Students in Grand Bahama and the British Virgin Islands also participated by dining at a restaurant in their community. The event was well supported and fun was had by the students who participated.

In a survey conducted by the EDLSSA after LEW, students stated that they found the activities very informative, timely and entertaining. Therefore, although many adjustments were required due to COVID-19, Legal Education Week 2021 was a resounding success. 🏆



SOME MEMBERS OF THE 2021 GRADUATING CLASS



Graduating Class of 2021

Congratulations to the Graduating Class of 2021!

During the course of the programme, you laughed and sometimes cried together, studied together, worked together and had fun together. You pushed each other, you challenged each other but you also held each other up and cheered each other on. During that time you shared not just knowledge learnt or gained, but your hopes and dreams and you got to know each other a little bit better, and in some cases a whole lot better.

To put how well students knew each other to the test, students came up with and engaged in a survey where they voted on each other. Students voted on where they saw each other working in a few short years and on the student who best exemplified certain attributes such as team spirit.

We say thank you to all students who contributed to the vibrancy and extracurricular life of the Law School and especially those who were involved in the Specialist Clinics and Mooting Competitions.

We also say thanks to the outgoing members of the Eugene Dupuch Law School Students' Association for your role in student governance and activism.

Graduating Class – **YOU ARE READY! YOU ARE SET! Now off you GO!**



LETHEA CAREY

- ◆ Principal's Roll of Honour for having achieved 6 or more As over 2 years
- ◆ Member of the Financial Services and Commercial Law Clinic (2020-2021)
- ◆ Participant in the STEP Moot (March 2021)

Where will Lethea be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization

- ◆ Most votes for the Lord Denning Award (the person who was always well-versed in the law)



ERIN ADDERLEY

- ◆ Member of the Environmental Law Clinic (2020-2021)
- ◆ Participant in the Environmental Law Clinic Webinar on "Recycling, Climate Change and Our Fight for the Environment" (March 2021)

Where will Erin be in a few short years?

#1: Working in a private law firm

#2: Working in another industry

- ◆ Runner-up for the Team Spirit Award (the person who always offered assistance or helped their colleagues when needed)



XANDRELL BAIN

- ◆ Member of the Criminal Law Clinic (2020-2021)

Where will Xandrell be in a few short years?

#1: Working in a private law firm

#2: Working as a Crown Prosecutor/Criminal Defence Attorney



EZRANDA BODIE

- ◆ Secretary to the Eugene Dupuch Law School Students' Association (2020-2021)
- ◆ Member of the Financial Services and Commercial Law Clinic (2019-2020)
- ◆ Participant in the STEP Moot (March 2019)

Where will Ezranda be in a few short years?

#1: Working in a private law firm

#2: Working as a Criminal Defence Attorney



VASHTI BRIDGEWATER

- ◆ Social Affairs Chairperson, Eugene Dupuch Law School Students' Association (2019-2020)
- ◆ Participant in the American Caribbean Law Clinic Competition (March 2019)

Where will Vashti be in a few short years?

#1: Working in a private law firm

#2: Working as a Crown Prosecutor



SHANEKA CAREY

- ◆ President of the Eugene Dupuch Students' Association (2020-2021)
- ◆ Member of the Criminal Law Clinic (2020-2021)
- ◆ Member of the Financial Services and Commercial Law Clinic (2019-2020)
- ◆ Participant in the STEP Moot (March 2020)
- ◆ First Year Representative for the EDLSSA (2019-2020)
- ◆ Member of the Lex Caribbean Regional Client Interviewing Competition (December 2019)

Where will Shaneka be in a few short years?

#1: Working in a private law firm

#2: Working as a Law Lecturer



SKYLER DEVEAUX

- ◆ Member of the Financial Services and Commercial Law Clinic (2020-2021)
- ◆ Participant in the STEP Moot (March 2021)

Where will Skyler be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization



TAMIKA GIBSON

- ◆ Treasurer of the Eugene Dupuch Law School Students' Association (2020-2021)
- ◆ Member of The Verdict's Publication Committee
- ◆ Participant in the American Caribbean Law Clinic Competition (November 2020)

Where will Tamika be in a few short years?

#1: Working as a Crown Prosecutor

#2: Working as a Criminal Defence Attorney



TASHAE GRANT

Where will Tashae be in a few short years?

#1: Working in a private law firm

#2: Working in another industry

- ◆ Most votes for the **Comedian Award** (person who always makes you laugh)



JONEL JOHNSON

- ◆ Legal Aid Committee Representative for the Eugene Dupuch Law School Students' Association (2020-2021)
- ◆ Member of The Verdict's Publication Committee
- ◆ Member of the Financial Services and Commercial Law Clinic (2019-2020)
- ◆ Participant in the STEP Moot (March 2020)
- ◆ Participant in the Lex Caribbean Regional Client Interviewing Competition (December 2020)

Where will Jonel be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization



LEVAN JOHNSON

- ◆ Second Year Representative for the Eugene Dupuch Law School Students' Association (2020-2021)
- ◆ Member of the Criminal Law Clinic (2020-2021)
- ◆ Participant in the Inaugural Criminal Law Appellate Moot (March 2021)

Where will Levan be in a few short years?

#1: Ascending to the Bench

#2: Working as a Crown Prosecutor

- ◆ Most votes for **Best Dressed Male**
- ◆ Most votes for the **Best Advocate Award** (the person who is always trying to persuade you of something)



LAVETTE KEMP

- ◆ Member of the Financial Services and Commercial Law Clinic (2020-2021)
- ◆ Participant in the STEP Moot (March 2021)

Where will Lavette be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization/working in another industry



ASHA LEWIS

- ♦ Library Committee Representative for the Eugene Dupuch Law School Students' Association
- ♦ Member of The Verdict's Publication Committee
- ♦ Member of the Financial Services and Commercial Law Clinic (2019-2020)
- ♦ Participant in the STEP Moot (March 2020)

Where will Asha be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization

- ♦ Most votes for **Best Coach Award** (person who is always offering encouraging words)



SOPHIA LOCKHART

- ♦ Public Relations Chairperson of the Eugene Dupuch Law School Students' Association (2019-2020)

Where will Sophia be in a few short years?

#1: Working in a private law firm

#2: Working as a Criminal Defence Attorney



RASEAN LONGLEY

- ♦ Member of the Environmental Law Clinic (2020-2021)
- ♦ Participant in the Environmental Law Clinic Webinar on "Recycling, Climate Change and Our Fight for the Environment" (March 2021)

Where will RaSean be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization

- ♦ Runner-up **Best Coach Award** (person who is always offering encouraging words)



ILSHA MCPHEE
JOHNSON

- ♦ Public Relations Officer of the Eugene Dupuch Law School Students' Association
- ♦ Member of the team training to represent the Law School at the Caribbean Court of Justice International Law Moot (*March 2020-cancelled due to COVID-19 pandemic*)

Where will Ilsha be in a few short years?

#1: Working in a private law firm

#2: Working in another industry

- ♦ Runner-up for the **Best Advocate Award** (the person who is always trying to persuade you of something)



DANIELLE MILLER

Where will Danielle be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization



VICTORIA MORRIS

- ♦ Member of the Environmental Law Clinic (2020-2021)
- ♦ Participant in Environmental Law Clinic Webinar on "Recycling, Climate Change and Our Fight for the Environment" (*March 2021*)

Where will Victoria be in a few short years?

#1: Working in a private law firm

#2: Working in another industry

- ♦ Runner-up for the **Comedian Award** (person who always makes you laugh)



LILNIQUE MURPHY

- ◆ Member of the Criminal Law Clinic (2020-2021)

Where will Lilnique be in a few short years?

#1: Working in a private law firm

#2: Working as a Crown Prosecutor



THADDEUS SAUNDERS

Where will Thaddeus be in a few short years?

#1: Working in a private law firm

#2: Working as a Criminal Defence Attorney



RHODREKA STRACHAN

- ◆ Social Committee Chairperson for the Eugene Dupuch Law School Students' Association (2020-2021)
- ◆ Member of The Verdict's Publication Committee
- ◆ Member of the Criminal Law Clinic (2020-2021);
- ◆ Participant in the Inaugural Criminal Law Appellate Moot (March 2021)
- ◆ Member of the Financial Services & Commercial Law Clinic (2019-2020);
- ◆ Participant in the STEP Moot (March 2020)
- ◆ Participant in the Lex Caribbean Regional Client Interviewing Competition (December 2019)

Where will Rhodreka be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization

- ◆ Voted #1 for **Best Dressed Female**
- ◆ Most votes for being the **Most Involved in EDLS**



CASHENA THOMPSON

- ♦ Vice-President of the Eugene Dupuch Students' Association (2020-2021)
- ♦ Member of The Verdict's Publication Committee
- ♦ Member of the Criminal Law Clinic (2020-2021)
- ♦ Participant in the Inaugural Criminal Law Appellate Moot (March 2021)
- ♦ Member of the team training to represent the Law School at the Caribbean Court of Justice International Law Moot (March 2020 -cancelled due to COVID-19 pandemic)

Where will Cashena be in a few short years?

#1: Working in a private law firm

#2: Working as a Legal Counsel for an organization

- ♦ Most votes for the **Team Spirit Award** (the person who always offered assistance or helped their colleagues when needed)
- ♦ Runner-up for the **Lord Denning Award** (the persons who was always well-versed in the law)



TAMIKA THOMPSON

- ♦ Member of the Financial Services and Commercial Law Clinic (2020-2021)

Where will Tamika be in a few short years?

#1: Working in a private law firm

#2: Working as Legal Counsel for an organization



EDWINA WALDRON

- ♦ Participant in the American Caribbean Law Initiative Competition (*November 2020*)

Where will Edwina be in a few short years?

#1: Working in a private law firm

#2: Working as a Criminal Defence Attorney

- ♦ Voted #2 **Best Dressed Female**

SIX MONTH STUDENTS



JOHN CAREY

- ♦ Member of the Criminal Law Clinic (*2020-2021*)



SHERREXCIA ROLLE





Inaugural Criminal Law Appellate Moot - “Richard Kemp v The Director of Public Prosecutions”

Cashena Thompson - Year 2 Student

On Friday, April 9, 2021, the Eugene Dupuch Law School Criminal Law Specialist Clinic hosted its first virtual Criminal Law Appellate Moot - “*Richard Kemp v The Director of Public Prosecutions*”- before judges of the Court of Appeal of The Bahamas. The Criminal Appeal question, written by the Clinic’s supervisor Mr. Kevin J. Farrington, was mooted by members of the Specialist Clinic, Ms. Rhodreka Strachan and Ms. Karina Rolle (2nd and 1st-year students, respectively) on behalf of the Appellant and Ms. Cashena Thompson and Mr. Levan Johnson (2nd-year students) on behalf of the Respondent. The brief charged Mr. Richard Kemp with Unlawful sexual intercourse with a person under the age of 14 years contrary to section 10(1)(a) and attempted unlawful sexual intercourse with a person under the age of 14 years contrary to section 10(1)(b) both of the Sexual Offences Act, Chapter 99.

In preparation for the

Appellate Moot, both teams were assigned coaches, who were tasked with assisting the student advocates with criminal practice and procedure, advocacy, and courtroom etiquette before the Court of Appeal. Then Senior Counsel from the Department of Public Prosecutions and now Stipendiary and Circuit Magistrate, Ms. Kendra Kelly, assisted the team who appeared on behalf of the Respondent, whilst Mr. Roberto Reckley, Partner at the firm Pinder, Reckley & Co. assisted the team that appeared on behalf of the Appellant. The preparation was rigorous. Both teams met with their coaches on multiple occasions leading up to the Appellate Moot and received instructions on research methods and the preparation and formulation of written and oral submissions.

The competition not only tested our advocacy skills but also our ability to

think quickly on our feet. Further, the competition deepened our knowledge of courtroom etiquette at the appellate level as well as criminal appellate procedure. Before the competition, we were furnished with both the mooting problem and the transcripts from the lower court. This required us to review the *viva voce* evidence from the virtual complainant, witnesses and the accused as well as the summation from the presiding Judge, which in turn tested our analytical skills and ability to utilize the resources provided to bolster our arguments.

Days leading up to the competition, we found ourselves spending long hours completing assignments, reading for classes, preparing for tutorials, conducting research, formulating strategies for the competition, and preparing and producing well-written skeleton arguments.

Additionally, we were required to study and

practice our submissions to ensure optimum results.

As the novel Coronavirus persisted, coupled with the issuance of Practice Direction No. 1 of 2020 (“the Practice Direction”), and the changes in the operation of the Court of Appeal during the COVID-19 Pandemic, the Specialist Clinic Mooting Committee was forced to pivot from the traditional face-to-face moot competition to advocacy in a new digital environment. This pivot to the virtual Zoom platform provided us with a first-hand experience of presenting our oral submissions remotely.

According to the Practice Direction, and the Criminal Law Clinic Appellate Moot Rules, we were required to produce not only physical copies of our bundles but also electronic copies. The purpose of requiring participants to meet with their coach to produce skeleton submissions was to ensure that each advocate had the opportunity to hone both their written and oral advocacy skills.

Most notably, under the direction of the Director of the Legal Aid Clinic, Mrs. Nicole Sutherland King teams were required to hyperlink

their authorities referenced in the electronic copy of the skeleton submissions. The hyperlink, though challenging at first, provided the ease of access to the relevant authorities or quotes referenced with just a click of the mouse.

On the day of the competition, we were required to ensure that our virtual backgrounds and laptops for intended use were without unnecessary distractions and that our WIFI connectivity was stable to avoid possible delays or interruptions. In that regard, both teams met at the Eugene Dupuch Law School and utilized the resources available to us. Once the competition began, having reviewed, and scrutinized our skeleton submissions, the panel comprised of the Honourable Mr. Justice Jon Isaacs, the Honourable Mr. Justice Roy Jones and the Honourable Mr. Justice Milton Evans (“Their Lordships”), utilized the time available to us to heavily test our legal arguments and our ability to withstand the rigours of judicial intervention. That experience was both thrilling and invigorating since it was

during that time the instruction received regarding courtroom courtesies and the knowledge of the law was put to the test. Though we were restricted to time constraints, Their Lordships, as educators themselves, used the competition as a teaching opportunity for the participants. The knowledge imparted was much appreciated and unparalleled.

In the end, the Appellant was successful in his appeal; however, the Respondent won the overall Appellate Moot competition. Mr. Levan Johnson, as the only male participant, was adjudged overall Best Advocate. The participants were commended for their legal research, courtroom etiquette, and their ability to quickly respond to rigorous judicial intervention. Further, Their Lordships commended the Law School’s ability to quickly adapt and contribute to the progressive nature of remote hearings.

Congratulations are extended to all participants for a job well done! Kudos to Mr. Farrington and Mrs. Sutherland King for a successful moot and every success on next year’s competition. 

EDLS Celebrates International Day of Forests

The United Nations General Assembly recognizes March 21 each year as International Day of Forests, also known as World Forest Day. The theme for 2021 was “*Forest Restoration: a path to recovery and well-being*”.

The Environmental Law Clinic joined the world in celebrating the importance of our trees and forests at EDLS with a photo competition between the Houses.



Davis House Save The Trees Campaign secures 1st place win!
Most likes on Facebook and Instagram



Sawyer House - 2nd place



Byron House - 3rd place

Mark your calendars and join us in celebrating **International Day of Forests** March 21, 2022 under the theme of “*Forests and Sustainable Production and Consumption*”.



“Ya born there, ya born there!”

By Tamika Gibson, Levan Johnson and Director of the Legal Aid Clinic, Nicole Sutherland King

Entitlement to Bahamian citizenship is once again a hot-button issue following the Supreme Court decision of *Winder J* in the consolidated cases of **Shannon Rolle et al v The Attorney General** 2017/PUB/con/00014 and **Mayson Pierre et al v The Attorney General** 2019/PUB/con/00021. *Winder J*’s decision is now pending before the Privy Council.

The **Rolle case** involves three children born to a Jamaican woman while the **Pierre case** involves two children born to a Haitian woman. In each case, the children are said to be born to an unmarried Bahamian man. The applicants in each case, as next friend of the children, seek declarations as to the proper construction of Article 6 of the Constitution of The Bahamas. They assert an interpretation of Article 6 that would entitle the children to Bahamian citizenship upon proof of paternity. Article 6 of the Constitution provides:

“6. Every person born in The Bahamas after 9th July 1973 shall

become a citizen of The Bahamas as the date of his birth if at that date either of his parents is a citizen of The Bahamas.”

Read alone, Article 6 suggests that the entitlement to citizenship can flow from either a Bahamian mother or a Bahamian father. Before *Winder J*, the Attorney General argued that a proper construction of Article 6 necessitated consideration of Article 14(1) of the Constitution which provides:

“14.(1) Any reference in this Chapter to the father of a person shall, in relation to any person born out of wedlock other than a person legitimated before 10th July, 1973, be construed as a reference to the mother of that person.”

The Attorney General posited further that in the case of unwed parents, Article 14(1) limited the meaning of the word “parent” to “mother” and thereby narrowed the class

of persons entitled to citizenship under Article 6.

Rejecting this literal interpretation asserted by the Attorney General as “*artificial and strained*”, *Winder J* instead applied the presumption of statutory interpretation that where different words are used by a drafter in a single legislative enactment, the words are presumed to carry different meanings. After reviewing the relevant case law and other Commonwealth

Caribbean Constitutions, the learned Judge applied the “*broad, generous and purposive*” principle of interpretation elucidated in **Minister of Home Affairs v Fisher** and concluded:

“Article 6 was clearly intended to be expansive, as reflected in the opening words [e]very person. Article 6 was intended to afford an automatic right to citizenship in circumstances where one parent was a Bahamian citizen. The application (or misapplication) of Article 14(1) to Article

6 would take away that opportunity from the child born out of wedlock, to access citizenship where one of his parents may be Bahamian.”

Winder J held therefore that the legal position is that every person born in The Bahamas after 9th July 1973 is entitled to citizenship at the date of his birth if *either* of his parents is a Bahamian irrespective of the marital status of the parents at the time of birth. Having made that finding of law, the Judge underscored that proof of paternity in any case would also ultimately need to be established.

The Attorney General immediately appealed the Supreme Court ruling of Winder J. Given the constitutional importance of the issues raised, the appeal was heard by the full appellate panel of five. On 21st June, 2021, the Court of Appeal, by a 3-2 majority, dismissed the appeal and affirmed the ruling of Winder J.

Delivering the lead ruling, Crane-Scott JA opined that Winder J had properly applied the purposive approach to constitutional

interpretation advanced in **Fisher**. Noting that Constitutions are *sui generis*, she opined that their articles are to be generously interpreted to give “*full recognition and effect*” to the fundamental rights and freedoms espoused by the Constitution.

Joining Crane-Scott JA, Jones JA and Isaacs JA both underscored the character of a Constitution as a living document in a class unto itself requiring interpretation suitable to the fundamental character of that document. Isaacs JA held that the presumption that the word “child” means legitimate child as applied to Nationality Acts “*cannot be transported*” into Article 6. To do so would ignore the clear meaning of the words “*every person*” in Article 6. Isaacs JA agreed with Winder J that the draftsman’s change in language was intentional and thus led “*inexorably to the conclusion that the intent is to avoid any apparent discriminatory feature in the Constitution ...*”

The majority thus treated the interpretation of the relevant constitutional provisions as an exercise which required the court to

be mindful of the unique living character of a Constitution and, where possible, avoid interpretations that are discriminatory and breach fundamental rights.

While accepting that a court should adopt a liberal construction of constitutional provisions governing fundamental rights, the minority took the more conservative view that in construing the Articles, the court could not ignore the societal norms in existence in 1973 when the Constitution was penned or those reflected in later legislation. In his dissenting ruling, Barnett P found that it was “*perfectly acceptable*” for the court to consider The Bahamas Nationality Act and the Status of Children Act to determine the proper construction of Article 6. Noting that “*courts should be reluctant to overturn a settled understanding of the law*”, the learned President adopted the interpretation of Article 6 ascribed by Hall CJ in **K v The Minister of Foreign Affairs**. Barnett P thus sought to reaffirm the position previously accepted for “*more than 40 years*” that children born out of wedlock could only claim citizenship

if born to Bahamian mothers.

The President was supported in his dissent by Milton JA who, in agreeing that the role of the court is to determine Parliament's intention, stressed that Parliament's intention must be discerned by applying canons of statutory construction to the specific articles being interpreted in the context of the broader legislative framework.

Having considered the applicable legislative framework, Milton JA concluded that Article 6 must be construed as the framers of the Constitution intended as they took "*deliberate steps to ensure that Citizenship in the post-Independence Bahamas would not be automatically granted to persons born in The Bahamas out of wedlock by virtue of descent from their fathers*". While acknowledging that this construction of Article 6 is not consonant with modern social mores, he underscored the importance of fidelity to the text in constitutional interpretation and the avoidance of judicial activism.

The Court of Appeal dismissed the appeal and ruling of Justice Winder, General immediately sought leave to appeal to the Privy Council.

On 25th June, 2021, the Attorney General applied for a stay of the Court of Appeal's judgment pending the appeal. Dismissing the application, the Court of Appeal took the opportunity to clarify that the findings of law of Winder J were in fact interlocutory and that the Supreme Court had not yet made any of the declarations sought. The Appellate ruling had thus only affirmed Winder J's interpretation of Article 6. In the interest of justice, the Court of Appeal stayed the proceedings before Winder J pending the Attorney General's appeal to the Privy Council.

The final determination of this matter which has the potential to impact hundreds of children born in The Bahamas now rests with the highest court. We await their ruling which will clarify the effect of being "born here".



Passion, Perseverance, and Possibilities - The 3 P's of 2001 EDLS Alumna, Khalila Astwood Tatem's Journey

By Betty Wilson - Year 1 Student

Recently, I had the esteemed privilege of speaking with Eugene Dupuch Law School (EDLS) Alumna, Khalila Astwood-Tatem, Deputy Attorney General of the Turks and Caicos Islands. Ms. Astwood-Tatem is admitted to practice in the Turks and Caicos Islands (TCI), Jamaica, and The Bahamas and this year celebrates 20 years as an attorney.

The themes that resonated most during our discussion were *Passion, Perseverance and Possibilities*.

Passion

There is no denying that law is one of the most interesting and dynamic professions. There is equally no denying Ms. Astwood-Tatem's love and commitment for the profession. She explained that it is as strong today as it was when, as a teenager attending a career session in high school, she resolved to become an attorney. The Deputy AG's commitment and passion for

the law further crystallized during her first college summer internship which was spent working at the Attorney General's Chambers and Courts in TCI.

She considered that these experiences were priceless because she became

driven by the belief that *"we should strive for success no matter what and always try to be the best that we can be and be committed to it."*

This commitment, passion and pursuit of success encouraged the Deputy AG and propelled her closer to the realms of her proverbial North Star. Synonymous with a flight plan, the Deputy AG, got into the captain's seat

and mapped out her career flight plan which would eventually lead her to enroll at EDLS. She reflected that her time at EDLS paved the way

for a seamless transition into the

profession, especially

after being

taught by

distinguished

lecturers

such as Mr. Thomas Evans Q.C.

The Deputy AG noted that she was blessed and afforded several opportunities. She secured her first Law School summer internship at the local law firm Evans & Co. Then, after receiving her Legal Education Certificate in 2001, Ms. Astwood-Tatem continued working at the firm until 2009 - first as an Associate Attorney and subsequently as a Partner. During her time at Evans &



Co. she developed an appetite for Commercial Litigation, Company, Wills and Probate matters, and eventually became a subject matter expert in these areas.

The Deputy AG considered that an attorney with both private and public experience is generally more well-rounded. She maintained that while choosing to work in the private or public sector is a personal choice, attorneys and aspiring attorneys should be mindful of the benefits of having both experiences because the legal landscape is continuously evolving, and the market is demanding attorneys who have a wide range of skills and experience.

Perseverance

In 2009, the Deputy AG, who is also a Turks Islander, made the decision to relinquish her tenure at Evans & Co and return to TCI to be with her family. The decision taken, without having yet secured a job placement, had several implications. Despite her experience and the partnership position she had attained in The Bahamas, Ms. Astwood-Tatem's search to find equivalent employment in TCI encountered a glass ceiling on certain senior

in the private sector legal practice environment.

Her acceptance of "a more junior position" as Senior Crown Counsel in the Attorney General's Office necessarily meant a reduction in salary. The Deputy AG admitted that these were personal sacrifices she made which required some reconditioning of her mind.

Ms. Astwood-Tatem noted that her current role as Deputy Attorney General also required a level of perseverance having offered herself for the position three times before she became the successful candidate. The Deputy AG commented that moments like a job rejection or other disappointment may sometimes cause an attorney to step away from the profession. However, despite being twice rejected, the Deputy AG continued performing as a team player and contributing to the success of the Attorney General's Chambers. She also ensured that her deportment in her private and professional life was in keeping with the standards of the legal profession. The Deputy AG reinforced that, "*if law is your passion, you should*

remain committed to the profession, because perseverance yields possibilities and opportunities".

Possibilities

Since Ms. Astwood-Tatem's return to TCI in 2009, she has held three different roles in the Attorney General's Chambers prior to her appointment as the Deputy Attorney General in January 2021. She served as Senior Crown Counsel (Commercial/Civil) from 2009 to 2012 Principal Crown Counsel (Commercial/Civil) from December 2012 to May 2016; and Principal Crown Counsel (International) from June 2016 to January 2021. Ms. Astwood-Tatem reflected that each of these roles was paramount in preparing her for her current role as Deputy AG. The Deputy AG has also been appointed to act for the Attorney General during her absence.

As Principal Crown Counsel (International), Ms. Astwood-Tatem headed a newly-formed division tasked with representing the Government in international initiatives which impacted domestic laws, such as the Caribbean Financial Action Task Force (CFATF) and the

exchange of Information for Tax Purposes. Her duties included advising on the application and extension of various international Conventions and agreements to TCI and on various other issues which involved international law and international relations.

As you may imagine, this was no small task and had international reach. This international reach allowed the Deputy AG to connect with global partners and regulators. As a result of her international connections, the Deputy AG was presented with an opportunity to study for an LLM in Maritime Law which she attained with distinction in 2019. To this recent achievement, the Deputy AG opined that these opportunities are not always present, but where they exist, we should seek to capitalize on them, otherwise, we may live our lives regretting the decision.

It is clear that the Deputy AG holds a firm

view that perseverance and hard work can yield possibilities and by extension, opportunities. When asked what advice she would give to young attorneys, she responded that “[we] *must be prepared to work hard and put in the time*”. With an ever evolving and dynamic legal landscape, the Deputy AG also reiterated that attorneys should be well-versed in different aspects of the law because it helps them to be more competitive.

In closing, I leave you with the uplifting words of Ms. Khalila Astwood-Tatem, Deputy Attorney General of the Turks and Caicos Island and proud 2001 EDLS Alumna. May they resonate with you as they do with me. *“If you are passionate about the profession, you should commit to it; if you commit, you can preserve and if you preserve, the possibilities, and opportunities will follow”.* 🏛️



The background of the slide is a photograph of parched, cracked earth. The cracks are deep and irregular, forming a complex web across the surface. The color of the soil is a mix of dark brown and black, with some lighter, yellowish-brown areas where the sun is hitting. At the very top of the image, a bright, glowing sun is visible, creating a lens flare effect and casting a warm, golden light across the scene. The overall mood is one of desolation and environmental hardship.

There is no
Earth B.

Sun, Sand and Rising Seas: The Effect of Climate Change on The Bahamas

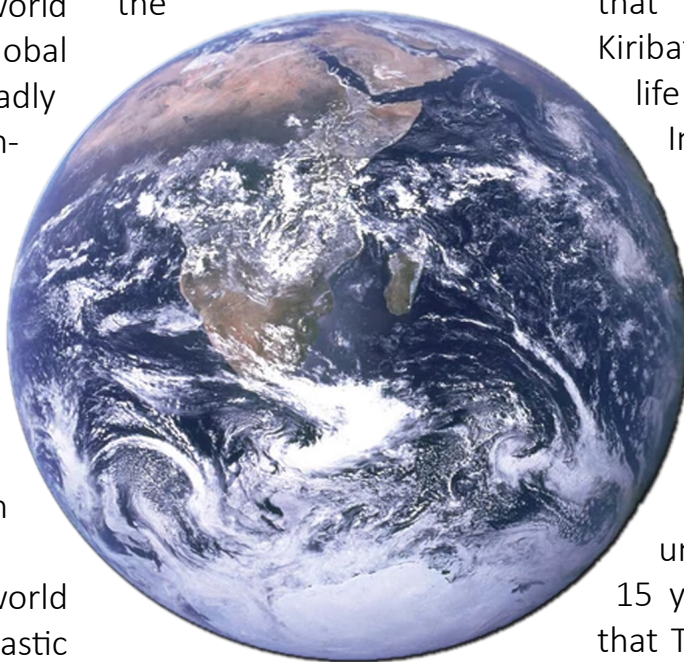
By: Erin Adderley - Year 2 Student and Member of the Environmental Law Clinic

It can be argued that climate change is the most pressing global crisis of our generation and must be addressed with the immediate and honest collective action of the world leaders. With recent global events such as the deadly floods in China and central Europe, California's raging wildfires and the heat dome in Canada, the phenomenon cannot be denied and the inactivism of its biggest contributors to resolve this crisis can no longer be tolerated.

Now is the time for world leaders to take drastic measures and reaffirm their commitment to upholding the objective of the 2015 Paris Agreement and limit global temperature rise to below 2°C, and strive for 1.5°C. If swift action is not taken, the lives and lands of small island states (SIS), like The Bahamas, will be wiped out

in the foreseeable future.

The 2020 decision of the United Nations Human Rights Committee (UNHRC) concerning Kiribati national, Ioane Teitiota,¹ forebodes of the



existential threat to SIS due to climate change. Teitiota had applied to New Zealand for asylum as a climate refugee but was refused. In his application to New Zealand, Teitiota argued that Tarawa, the island in the Republic of Kiribati on which he lived, was gradually being

submerged due to rising sea levels. Living conditions were described as precarious and increasingly unstable due to saltwater contamination and overcrowding.

The consequence birthed was a housing crisis and deadly land disputes resulting in numerous fatalities. In September 2015, Teitiota and his family were deported to Kiribati. Teitiota's appeal to the UNHRC claimed that the dire situation in Kiribati threatened his right to life under Article 6 of the International Covenant on Civil and Political Rights and entitled him to refugee status.

Despite agreeing with Teitiota that rising levels of the Pacific Ocean would likely render Kiribati uninhabitable within 10 to 15 years, the UNHRC found that Teitiota's deportation did not place him in **immediate danger** so as to present an imminent threat to his life. Kiribati had also already begun to implement adaptive measures to strengthen their resistance to the dangers of climate change including population relocation. Nevertheless, the decision represents an environmental

victory given the UNHRC's recognition of the serious threat that climate change represents, the correlation between human rights and environmental law and the international legal obligation of states.

Noting that the impact of climate change on Kiribati was *"exacerbated by both sudden-onset environmental events, such as storms, and slow-onset processes, such as sea-level rise"* the UNHRC cautioned that *"without robust national and international efforts, the effects of climate change in receiving states may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulment obligations of sending states"*.²

Teitiota's case may be seen as a looming reality for SIS, including The Bahamas. The Bahamas is a low-lying archipelago of 700 islands and small cays. Like Kiribati, it is extremely vulnerable to the devastating impacts of climate change.

As Dr. Lisa Benjamin and Adelle Thomas noted in their article **"Perception of Climate Change Risk in The Bahamas"**³ *"[t]he physical impacts of*

climate change, including sea level rise, coastal erosion, coral reef degradation and changes in precipitation, temperature, and extreme event intensity" are what Bahamians must expect, if immediate action is not taken.

The impact of climate change on Bahamians is manifestly increasing. We need only look at the destruction exerted on Crooked Island, Acklins, Long Island, Rum Cay and San Salvador by Hurricane Joaquin in September 2015. Then in October 2016, Category 5 Hurricane Matthew desecrated Andros, Grand Bahama and New Providence with raging winds, heavy rainfall and sweeping storm surges. On top of that, in September

2019, Category 5 Hurricane Dorian, coupled with a king tide wrought devastation on the islands of Grand Bahama and Abaco.

In his thematic report **"Displacement in Paradise: Hurricane Dorian slams The Bahamas"**⁴ John Marazita III wrote that the devastation led to the displacement of an estimated 9,840 people and death of over 70 people. He further reported that *"[s]helters in the capital, Nassau, and in New Providence were the main destinations of immediate post-Dorian evacuation"*. However, displaced persons also ventured to *"other home islands or surrounding countries"*, such as the United States and Canada once they connected with extended family. *Can you imagine what would happen if this*



displacement was permanent? What if a major catastrophe destroyed not only the inhabitants of Grand Bahama and Abaco but also the capital, New Providence?

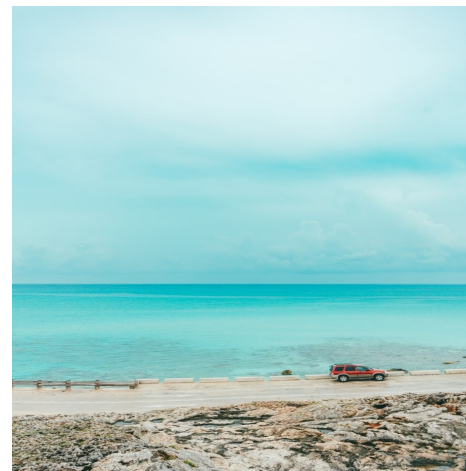
These extreme weather events are not normal natural occurrences and should not be flippantly dismissed as such. What will we have to lose for us to be spurred into advocating for our magnificent islands?

The President of the

Neither the Maldives nor any small island nation wants to drown. That's for sure."

President Gayyoom asserts, ***"[n]either do we want our lands eroded nor our economies destroyed. Nor do we want to become environmental refugees either. We want to stand up and fight."***

Several SIS have already begun to adapt to the impact of climate change, but has The Bahamas? In this war with climate change, the



for Adaptation to Climate Change, to create a defence against the severe impacts of climate change, and to advocate even more strongly for the reduction of greenhouse gas emissions and for countries to adhere to their commitments under the 2015 Paris Agreement.

Bahamians need to be cognizant of the evils of climate change as it has not forgotten The Bahamas in the wake of its effect. 🇧🇸



Maldives, Maumoon Abdul Gayyoom succinctly sums up the importance for SIS to recognise the potential danger we face and to demand immediate and united action: ***"... there must be a way out.***

preservation of our homes, flourishing industries and picturesque flora and fauna and marine life is imperative.

Now is the time for the government of The Bahamas to apply the policy directives from its 2005 National Policy

1 UNHRC Views adopted under Article 5(4) of the Optional Protocol concerning communication no 2728/2016 by Ioane Teitiota CCPR/C/127/D/2721/2016

2 *supra* at paragraph 9.11

3 Thomas, Adelle & Benjamin, Lisa. (2017). *Perceptions of climate change risk in The Bahamas*. Journal of Environmental Studies and Sciences. 8. 10.1007/s13412-017-0429-6.

4 Marazita III, John. (2020). Displacement in Paradise: Hurricane Dorian slams the Bahamas. 10.13140/

Graduates Of 2011

Wilfred Bain
Eugenia Burrows
Monique Curry
Inemesit A. Etuk
Lisalette Gibson
Uel Johnson
Roderick D. Malone
Kenia Nottage
Toneika Russell
Nathan Smith
Antoine Thompson
Terence Burrows
Marianne Cadet
Catherine Darling
Kimberley Evans
Darron Henfield

Christopher Lee
Floyd Moxey
Brendalee Rae
Krystle Saunders
Janice Stoutt
Maria Zancolla
Jacklyn Burrows
David Cox
Wilver Deleveaux
Shivron Gay
Kareem Higgins
Tonique Lewis
Janet Munnings
Lanisha Rolle
Rochelle Sealy
Keandro Thompson



Wilfred Bain

Assistant Manager, Securities Commission of The Bahamas

Why did you choose EDLS for Bar School?

It was the natural next step after attending UWI (via the then College of The Bahamas) here in New Providence. Financially, it was advantageous for me as well. I also observed many of the past students who I knew and who had set good examples - this gave me confidence in the school.

What was your favourite subject/s whilst here and why?

I felt that Law Office Management Accounting and Technology was a valuable course as it seeks to give students a glimpse into the business of law, which I saw as equally important as the law itself when I became a practicing attorney

What would you look for in hiring graduates from EDLS today?

I would look for someone who is organised, resilient and has the ability to solve problems. Oftentimes you cannot predict what problems and setbacks you will face, but when they inevitably come,

being organised, being resilient and finding solutions will be valuable skills.

Since leaving, what have you been up to?

Currently, I work at the Securities Commission of The Bahamas as an Assistant Manager in the Supervision Department. My tenure there has provided me direct insight into the financial services industry here in The Bahamas and also the world. It also provided me the opportunity to present to large crowds on financial and regulatory matters as well as the opportunity to expand on so many other skills. Also, I have been able to travel throughout the world for training and meetings with other international regulators which I view as truly valuable experiences.

I have continued my education. I obtained my MBA in 2016 as well as several other certifications largely related to financial services. I will include my personal travels as a part of my education as I have found my immersion in



different cultures to be beneficial to me in terms of character and professional development.

Aside from my legal and regulatory career, I preach occasionally at my home church, Emmanuel Gospel Chapel, dance salsa and I manage my own blog, wilfredbain.com.

Which of your personal traits and professional skills helped you the most in your career?

In terms of personal traits, I would definitely say that having an outgoing personality was an asset. At a certain level, there is a presumption that most people can do the work, but I've also found that there's value in being able to change the mood in the room for the better when you enter. As far as professional skills, I would definitely say that my writing

and problem-solving skills have helped me.

If you could go to Bar School all over again, what would you do differently?

Absolutely nothing. My journey was one of growth and self-discovery. For me to change my journey would mean for me to miss out the great experiences I had as well as miss out the lessons that I learned along the way. 🙏

Shivron Gay

Principal of the Law Firm *The Chambers of Shivron Gay*

Why did you choose EDLS for Bar School?

EDLS represented the best value for money. They have a separate bar school in the UK for barristers and another for solicitors. The Caribbean system of legal education involves training as both a barrister and solicitor which is why we only have attorneys-at-law in the Commonwealth Caribbean.

What was your favourite subject/s whilst here and why?

Family Law was one of my favourite courses because the then Senior Tutor, Mrs. Hazel Thompson-Ahye taught us with so much passion. Criminal Procedure was very interesting and entertaining. I also enjoyed Trial Advocacy I and II because Mr. Guy had so many amusing anecdotes about the 'dirty old boys' in practice.

What would you look for in hiring graduates from EDLS today?

The most important criteria would be evidence of out the box thinking. There is a lot of competition at the bar, so the key is being able to stand out and to think outside the box.

Since leaving, what have you been up to?

- ♦ I was approached by the IFC Caribbean Law Review, a publication out of the UK to write a second article on the recent developments in Bahamian trust law. It is entitled "The Bahamas: The Rule in Hastings Bass and Firewall Protection".
- ♦ I was recently re-elected a director of the Society of Trusts



and Estates Practitioners (STEP) Bahamas Branch.

- ♦ I am a member of the Tax Working Group for The Bahamas Financial Services Board.

Which of your personal traits and professional skills helped you the most in your career?

Being very sociable and engaging with new people is definitely a plus. I love opportunities to meet new people. I believe in always doing my homework. You always get further ahead when you put in that extra effort to achieve success. I

also believe another key to success is being a lifelong learner. Getting a mentor that has achieved a measure of success in the area of goals that you set for yourself is crucial.

If you could go to Bar School all over again, what would you do differently?

If I could go to Bar School all over again, I would do it exactly the same way. I don't believe in or practice having regrets. Regret would be unprofessional. I only have one life to live and I'm going to live it to the fullest. 🕒

Roderick Dawson Malone

Partner, Callenders & Co.

Why did you choose EDLS for Bar School?

My main reason was the cost. I had no financial backing to go elsewhere having completed the UWI program ran at the then College of The Bahamas in Nassau. Graduating from this program meant automatic entry to EDLS.

Also, I wanted the Legal Education Certificate so that I could move about the Caribbean and also liked the idea of the lecturers being local practitioners and members of the judiciary.

What was your favourite subject/s whilst here and why?

- ♦ Legal Aid because it provided a practical side and allowed the application of the theory. Also, it allowed real life to

be brought to the picture.

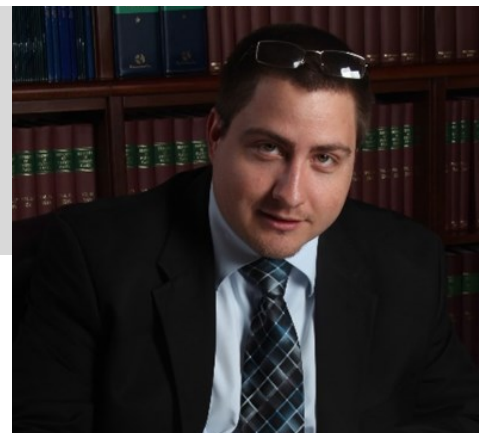
- ♦ Trial Advocacy because it was practical and allowed the experience before having to practice in a court.

What would you look for in hiring graduates from EDLS today?

The key factors for me are a great attitude and a willingness to work and juggle. This is usually shown by participation in non-academic areas as well as their life experiences.

Since leaving, what have you been up to?

I have been working. In so doing, I have -
had a number of appearances before the Privy Council, both lead and junior



- ♦ had 5 judicial stints
- ♦ served as a member of the Ethics Committee for The Bahamas Bar Association
- ♦ hosted junior bar seminars on employment law, appellant practice and bail
- ♦ made partner in the oldest law firm.

I have also gotten married and survived Hurricanes Matthew and Dorian.

Which of your personal traits and professional skills helped you the most in your career?

1. Faith in God and having a great wife is the honest answer.
2. Desire to get it right and

do whatever it takes.

3. Read and re-read the rules.
4. Read and re-read the cases.
5. Apply my best effort to everything I do.

If you could go to Bar School all over again, what would you do differently?

Nothing. 🙄

Antoine Thompson

Sole Practitioner

Why did you choose EDLS for Bar School?

EDLS was primarily my choice for Bar School because I knew persons who had previously attended EDLS, and although I was advised that the work was challenging, I was also assured that the quality of education was on par with any other Bar School.

Further as a mature student with a job, attending EDLS allowed me to stay in The Bahamas with the ability to attend classes during the day and work during the night.

What was your favourite subject/s whilst here and why?

Legal Aid Clinic was my favourite subject while attending EDLS, primarily

because of the fact that I fell in love with the concept that it allowed underprivileged persons access to quality legal representation.

I was in fact so captivated that after graduating from EDLS and being called to The Bahamas Bar, I decided to undergo Pupilage at the Legal Aid Clinic, under the direction of my esteemed mentors, Mr. Dion Hanna, then Director of the Legal Aid Clinic and the Hon. Elsworth Johnson (Minister of Financial Services, Trade & Industry and Immigration) – then Tutor in the Legal Aid Clinic.

I feel that my time at the Legal Aid Clinic greatly prepared me for legal practice as the primary focus was not monetary gain



rather the pursuit of the client's legal remedies.

What would you look for in hiring graduates from EDLS today?

In hiring graduates from EDLS today, I would look not necessarily for the person with the best grades, but rather the person with a genuine desire to become a well-rounded lawyer, good work ethic, and also a desire for continued learning and growth.

Since leaving, what have you been up to?

Since leaving EDLS I have had the great opportunity to work in a number of firms while continuing to engage in learning new and diverse areas of law.

The greatest highlight of my career, however, was having the opportunity to work in a firm with two of the country's greatest legal minds in the persons of Mr. Elliot Lockhart, Q.C. and Mr. Damian Gomez, Q.C.

It is not very often that a lawyer has the opportunity to have daily interactions with even one Queen's Counsel, but I had the opportunity work with two of them, and by also extension work with Mr. Harvey Tynes, Q.C.

I can truly say that the knowledge and advice that I have gained from these learned gentlemen cannot be gained from reading any legal text.

Which of your personal traits and professional skills helped you the most in your career?

As an Attorney, the personal traits that have helped me the most have been humility and honesty. It is important to me to always remember that as an Officer of the Court, I have a duty to not only the Court, but also my colleagues and clients to treat them with respect and to always be truthful and upfront in all of my interactions and communications.

The professional traits that have helped me the most in practice are preparation and the ability to research the law.

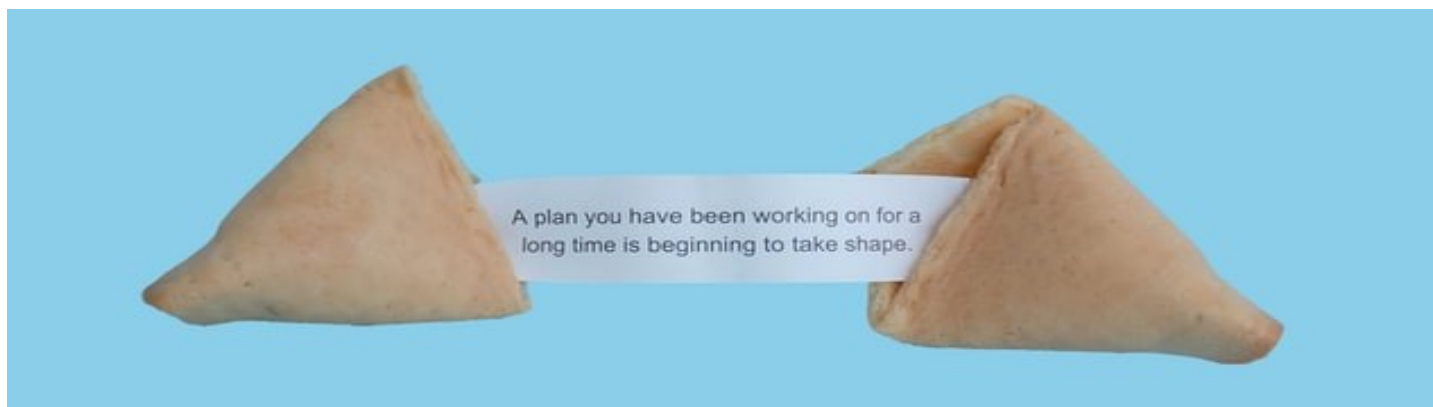
It is my belief that a prudent and well-rounded attorney never stops reading and researching the law. The law is ever evolving, and you must not only keep abreast of the law, but you also must be open to

alternative or opposing views in order to form well rounded arguments.

Preparedness is also key. While you cannot be prepared for all issues that may occur, I have learned that thorough knowledge of your matter and the applicable law is essential. Also, it is important to surround yourself with like-minded or more experienced legal minds in order to exchange ideas.

If you could go to Bar School all over again, what would you do differently?

If I could go to Bar School all over again, I would be a more well-rounded student and participate in the moots and competitions and other aspects of student life activities instead of focusing primarily on my studies. 🙏





Pictured left to right: Raquel Williams (Tutor & Supervisor of Environmental Law Clinic), Sierra Basden (Aquinas College Student & 2nd Place Awardee), Kristin Hall (R.M. Bailey Senior High School Student and 1st Place Awardee), Kaitlyn Archer (St. Anne's School Student and 3rd Place Awardee), Tonya Bastian Galanis (Principal of the Law School)

High School Students Weigh In on Renewable Energy Sources

By: RaSean Longley - Year 2 Student, Member of the Environmental Law Clinic

Essay Competition

“Which renewable energy source do you think has the potential to produce the greatest economic and sustainable benefit for The Bahamas within the next 50 years?”

This year the Environmental Law Clinic launched its First Annual High School Essay competition challenging students from New Providence in Grades 10 through 12 on the very topic. The topic was chosen in

fulfilment of our commitment to raise public awareness on renewable energy sources (RES) and to open the dialogue for exploring RES as not only solutions to climate change but opportunities for social and economic growth, starting with our young minds and future leaders.

The essay question also challenged me and my fellow Clinic members to expand our knowledge of the topic by researching the different forms of RES and weighing and debating the pros and cons of each RES particularly in the context of available Bahamian natural resources. We were also tasked by our Clinic Supervisor, Mrs. Raquel Williams, to formulate a grading rubric for

the essays and craft an answer rubric.

Simply put, RES are sources of energy that are continuously regenerated. We can easily think of the sun, the wind, water, and the Earth's heat. Given our abundance of sun, you would probably conclude as did many of our essay entrants, that solar energy is the most feasible RES that would be able to produce the greatest economic and sustainable benefit for The Bahamas in the near future.

Director of Science and Policy at The Bahamas National Trust, Mrs. Shelly Cant-Woodside, in her presentation at the Clinic's Webinar on *"Renewable Energy, Climate Change and Our Fight For the Environment"* held on March 19, 2021 noted that to achieve true energy sustainability we need to consider not only the environmental impact of the different forms of RES, but also the diversifying of energy sources to reduce vulnerability by relying on any one source. She suggested for example coupling solar with wind. High School students were tempted to enter the Essay Competition by

by trophies and attractive cash prizes of \$300, \$200 and \$100 for the top 3 entries respectively. All participants received certificates.

The several entries, received from public and private schools located in New Providence, kept us busy as we were each given the responsibility of "whittling down" the essays for final selection by our distinguished panel of judges. This meant reading through the essays and grading them in accordance with the grading and answer rubrics. After individually grading the essays we came together to discuss the strengths and weaknesses of each essay and based on the average grade awarded ranked each essay.

At the close of the Webinar, the top 3 entries, as determined by the panel, were announced with the trophies and prizes being formally presented at the Law School the following week.



Pictured left to right: Sierra Basden (Aquinas College Student & 2nd Place Awardee), Kristin Hall (R.M. Bailey Senior High School Student and 1st Place Awardee), Kaitlyn Archer (St. Anne's School Student and 3rd Place Awardee)

Special Congratulations to:

- ♦ Kristin Hall, our 1st place awardee and R.M Bailey Senior High School student;
- ♦ Sierra Basden, our 2nd place awardee and Aquinas College student; and
- ♦ Kaitlyn Archer, our 3rd place awardee and St. Anne's School student.



Summary of Top Essays

Kristin Hall argued that solar energy would produce the greatest economic and sustainable benefit for The Bahamas as it is a source of clean energy which can produce electricity without polluting the environment. He offered data to support that the installation of the typical solar electricity panels could save the environment 1.5 to 2

tonnes of carbon annually. In proposing solar panels are an economical investment, Kristin Hall noted that solar panels are imported duty free and have a payback period between 4-7 years and an 18 to 20% return each year against energy costs. He gave examples of the government's initiative to utilize alternative energy sources by outfitting the Anatol Rodgers High School with a 250-kilowatt grid solar system and the Thomas A. Robinson National Stadium with a 925 kilowatt grid-tied solar system which is expected to replace the 310,000 litres of diesel needed annually to supply electricity and saving the government an estimated \$350,000.

Our second place winner, Sierra Basden, made an interesting argument for the use of hydropower explaining that the generation of electricity is achieved through *"the conversion of the kinetic energy of falling water into mechanical energy from a turbine to a generator converting this same mechanical energy from the turbine to electrical energy."* She reasoned that this RES was economical and sustainable due to the abundance of salt water in The Bahamas. She noted that hydropower plants do not emit pollutants into the air and that



as each island could produce its own electricity without relying on one source, the operation and maintenance of the plant would create jobs and other economic benefits to The Bahamas.

Our third place awardee, Kaitlyn Archer, also believed that solar energy would produce the most economical and sustainable benefit for The Bahamas. She drew on her personal experiences of how installing solar panels benefitted her household and discussed how the implementation of solar panels at her school helped to achieve her Eco-school club's objective of energy conservation. She advocated that as frequent power outages are not suitable in a technological age, Bahamians should consider solar energy as an alternative as opposed to being fully reliant on fossil fuel energy.

CLOSING SNIP BITS FROM OUR ESSAY AWARDEES

"As a nation it is imperative that we become proactive and committed in our resolve to reduce our carbon footprint and by so doing save our beautiful archipelago from the ravishing effects of global warming. One such way to make an impact of lasting proportion is to explore renewable energy sources, solar energy to be specific." **Kristin Hall**



"Solar energy is a reliable source of energy. It is clean green energy from the sun that does not emit greenhouse gases. It will not become exhausted like fossil fuel." **Kristin Hall**

"The realization is that with the development of renewable energy sources in The Bahamas, the country would be in a better place, both economically and financially."

Sierra Basden



I close with these words from Roman Payne, 'O, Sunshine! The most precious gold to be found on earth.' **Kaitlyn Archer**



Switching Gears: Transitioning from Law School to Pupillage

By: Flodira Collie

Everyone who graduated from an educational institution, in the midst of the Covid-19 Pandemic, was left in a state of uncertainty, filled not only with graduation disappointments but challenges securing employment within their respective field.

My experience was no different. I thought to myself, now that I have graduated from law school and have been called to the Bar, “Will I secure pupillage before the end of the year?”, “Will I like my job?”, “Will they like me enough to keep me on as an Associate?”, “How do I transition from thinking like a law student to thinking like an attorney?” These were a few of the questions that I grappled with daily upon completing this major milestone of my life.

Luckily, my search finally came to an end and I was able to secure pupillage at the Eugene Dupuch Law School Legal Aid Clinic. I was

pleased but also anxious about stepping into my new role as an attorney. I was no longer a student spending my days sitting in long lectures or focused on meeting two-week assignment deadlines but rather interviewing clients with real life scenarios expecting legal advice and solutions to their problems. **Talk about pressure!**

In speaking with a number of my now learned friends about their transition from law school to practice, we all shared the same sentiment. That it can be somewhat challenging coming from a theoretical background with few practical experiences into a more real-life environment where you feel pressured to think like an experienced attorney who has all the

Answers while making little to no errors in executing solutions.

The experiences the Clinic afforded me within the first month of my pupillage, have allowed me to work closely with clients, be a part of the problem-solving process while expanding my knowledge of the law from a practical side. I discovered that I had to become proactive if I wanted to narrow the gap between the life of a law student and that of a practising attorney.

I found myself implementing a few tips to help ease the transition and bolster my confidence over the past six (6) months. The following tips are my advice for pupils who are struggling with their transition or recent law graduates embarking on this next chapter of their life:



Pace yourself If you want to make a successful transition, be wary of unrealistic expectations about what practising law is like on a day-to-day basis but prepare yourself to be ready for anything. From large to mid-size law firms, the workload will be there and your assistance will be required. Keep an open mind to the type of matters that come across your desk and work on each matter as much as you can. You will feel pressured to complete every task the same day it is assigned to prove how efficient you can be but turning in quality work within a reasonable amount of time will be better valued.

“Do you have a minute?” While research is key, do not be afraid to ask senior attorneys questions. No one expects you to be conversant with every aspect of the law. Once you can show that you have done the preliminary research, there is no shame in asking. Seeking direction with assignments and strategies can not only help you get the job done faster but will benefit you long term with addressing future client matters.

Practice makes perfect No one said this next chapter of

your life would come easy. There is a lot of learning and figuring things out that takes place in your new role, so you are likely to experience setbacks along the way.

Taking the time to hone your written and advocacy skills during this year is essential. Feedback and observation from senior practitioners can assist with developing these skill sets. Count it a blessing, when a senior attorney is willing to take the time to review and edit your drafts. This provides you with insight on the quality of work that is expected of you. While sitting on the sidelines observing client interviews or court hearings with your senior, take notes and try to imagine yourself as an active participant within the proceedings. I found this to be very beneficial as the time will come when you will be called upon to conduct the next interview or to make the next application before the court. **Did I mention alone!**

Immerse yourself in the law! The hours spent researching and reading do not come to an end once you have graduated from law school. The law is constantly changing and to keep

up with the changing times, make it your duty to become familiar with the practice area (s) you are involved in and their relevant legal principles. Reduce that information to checklists or cheat sheets that can act as a guide while you are addressing different legal issues in the future.

You’re Competent While development of a professional profile is a process that only experiences can further enhance, the fact that you have passed the Bar proves that you are competent enough to deal with the most basic legal issues. Your accomplishments not only speak for themselves but also demonstrate that you have the legal knowledge and professional training reasonably required to have something valuable to say.

Despite the pressure, be kind to yourself during this transitional period. The roller-coaster of emotions are a part of the pupillage experience. With the right preparation, progress will be made, once you are willing to be open minded and work hard at whatever it is you find yourself doing. Before you know it, you will begin to feel more confident about your contributions to the firm.



Our Fundamental Rights & The COVID-19 Emergency Orders

By: Rhodreka Strachan - Year 2 Student

In 2019 the novel coronavirus disease (COVID-19) struck the world by storm. The first confirmed case was in Wuhan, China. After the first confirmed case in The Bahamas, the Governor General proclaimed a State of Emergency on March 17, 2020 pursuant to Article 29 of the Constitution of The Bahamas, 1973. The Proclamation led to the enactment of Emergency Orders which imposed various restrictions on Bahamian society. However, questions can be posed: Are [the](#) Emergency Orders constitutional? Can they be considered as being reasonably justifiable given the circumstances of the State of Emergency as declared?

Pursuant to Article 2 of the Constitution, the Constitution is the supreme law of The Bahamas and if any other law is inconsistent with the Constitution, the Constitution shall prevail. The Constitution acts as a guardian of our fundamental rights and freedoms.

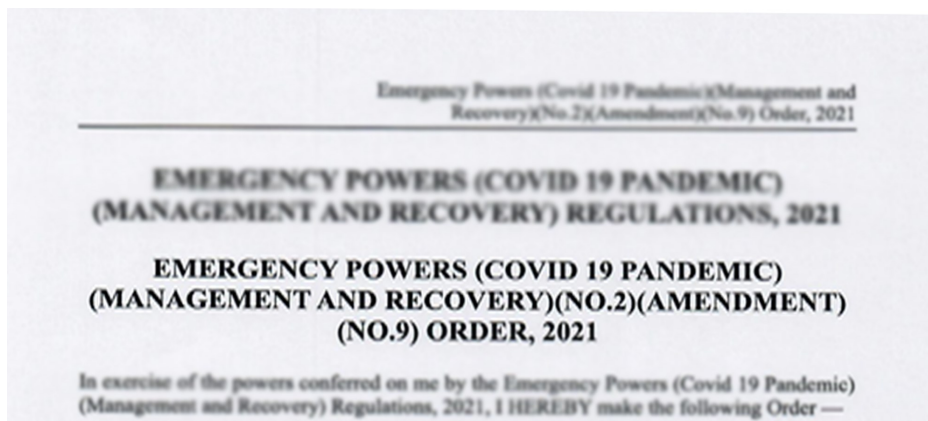
In the context of the COVID-19 Emergency Orders and to appreciate the supremacy of the Constitution, we must consider particular Articles in the Constitution that protect certain basic fundamental rights and freedoms of the individual. Chapter 3 of the Constitution, contains the Articles protecting our fundamental rights and freedoms. In particular, **Article 15** recognizes that every person in The Bahamas is entitled to the fundamental rights and freedoms of the individual regardless of his race, place of origin, political opinions, colour,

creed or sex but subject to the rights and freedoms of others.

Article 19 protects the freedom of liberty of persons and safeguards against the arbitrary arrest and detention of persons by limiting the instances in which a person may be deprived of his liberty by virtue of the law. **Article 22** provides that no person shall be hindered in the enjoyment of his freedom of conscience which includes the freedom of thought and of religion inclusive of the way in which one's religion is practiced and taught. **Article 24** protects freedom of as-

sembly and association by providing that no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association.

The enjoyment of freedom of movement of persons is protected under **Article 25**. This freedom means the right to move freely throughout The Bahamas, the right to reside in any part thereof, the right to enter The Bahamas, the right to leave The Bahamas and immunity from ex-



pulsion therefrom.

The Emergency Orders can be regarded as restrictive in their nature and effect. The fundamental rights and freedoms of persons have been suppressed by the imposition of the Emergency Orders.

Bahamians that have tested positive for COVID-19 are to remain on quarantine for a period of fourteen (14) days and the relatives of these persons are also to remain on quarantine for a period of fourteen (14) days. These persons were not permitted to leave their homes or the quarantine space.

The Emergency Orders have extended even further limiting our freedom of movement by restricting the hours in which we can leave our homes under a national curfew that was altered based upon the flattening or the spike in the curve relative to COVID-19 cases in The Bahamas. There were instances where the entire country was on a complete lock down as persons were routinely detained in their homes and yards for extended periods.

The Orders have controlled whether we are permitted to exercise, whether we are permitted to assemble and even forced business owners, specified as “prohibited businesses” in the Orders, to close or change their hours of operation. The Orders closed educational institutions and forced religious institutions to alter their form of worship and the practice of their religion. The traditional way of hosting a funeral service, burial and wedding was also altered through the enactment of the Emergency Orders. The Orders were mandatory in nature and any breach of such Orders resulted in a fine or imprisonment.


Article 28 of the Constitution provides for constitutional redress if there has been any

breach of fundamental rights and freedoms or contravention of the Constitution through the enactment of any law.

However, it should be noted that **Article 29 (2)** provides that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of Article 19, any provision of Article 20 other than paragraph (4) thereof, or any provision of Articles 21 to 26 (inclusive) of this Constitution to the extent that the law in question makes in relation to any period to which this Article applies provision, or authorizes the doing during any such period of anything, which is reasonably justifiable in the circumstances of any situation or existing during that period for the purpose of dealing with that situation. *Can the Emergency Orders be considered as being reasonably justifiable?*

Further, the basis for the Emergency Orders was The Bahamas being in a State of Emergency due to the COVID-19 health crisis. One view as to the unconstitutionality of the Emergency Orders questions the very basis for the Emergency Order; namely, whether The Bahamas was in an actual state of emergency since its first confirmed case. However, this view has been opposed on the ground that the Constitution does not limit why the Governor General may proclaim a State of Public Emergency.

The question can be posed, how are Bahamian residents to seek the Constitutional redress to which they are so entitled?

The solemnity of COVID-19, the fact that that COVID-19 was unprecedented and caused much uncertainty in The Bahamas is acknowledged; but whether the Emergency Orders were unconstitutional is a question for one to ponder upon. 

STAFF MATTERS

We dedicate this section to the EDLS Dream Team. Here is where we keep you up to date on all that is happening with our EDLS staff.

Celebrations and CONGRATULATIONS!

We celebrate with our Associate Tutor for Ethics, Rights and Obligations of the Legal Profession, the **Honourable Madam Justice J. Denise Lewis Johnson**, on her appointment as a Justice of the Supreme Court of the Commonwealth of The Bahamas in May 2021.



APPOINTMENTS

Congratulations to **Mr. Clive Guy** on his appointment as Senior Tutor. Mr. Guy has been with the Law School since its inception and most recently served as Acting Senior Tutor II.

We also congratulate **Mrs. Raquel Williams** who was promoted to Senior Tutor II. Mrs. Williams has been with the Law School since 2012 as a Tutor.



Welcome Aboard!

Mr. Bradley Watson joined us in January 2021 and serves as Assistant Registrar, Finance and Accounts.



Mr. Stuart Taylor, our IT Manager, joined in May 2021.



Mr. Charles Gardiner, Receptionist (and presently, Acting Secretary to the Registrar), joined the team in February 2021.



Ms. Flويدira Collie, 2020 Law School graduate and Attorney-at-Law, is a Pupil at the Legal Aid Clinic undergoing her year of pupillage.



Mrs. Gayvelle Davis joined the team in September 2021 as our Librarian.



Ms. Kia Adderley, Acting Receptionist, joined the team in a temporary capacity in February 2021.



LEADERSHIP IN TRANSITION

The Law School says a special thank you to **Mrs. Vonya Albury**, Senior Library Assistant, for taking the lead in the library for the last year.



THANK YOU!

We say thank you to the following persons who made invaluable contributions to the Law School and who ended their service with us earlier this year:

- ♦ **Mr. Mario Rahming**, former IT Manager - 4 years of service
- ♦ **Mrs. Nicole Mitchell**, former Executive Secretary - 5 years of service
- ♦ **Mr. Randol Dorsett**, Associate Tutor for Civil Practice and Procedure I- 1 year of service.

We wish you all, the very best. 🙏

MARRIAGE AND CARRIAGE

First comes love, then comes marriage, then comes pushing the baby carriage ...

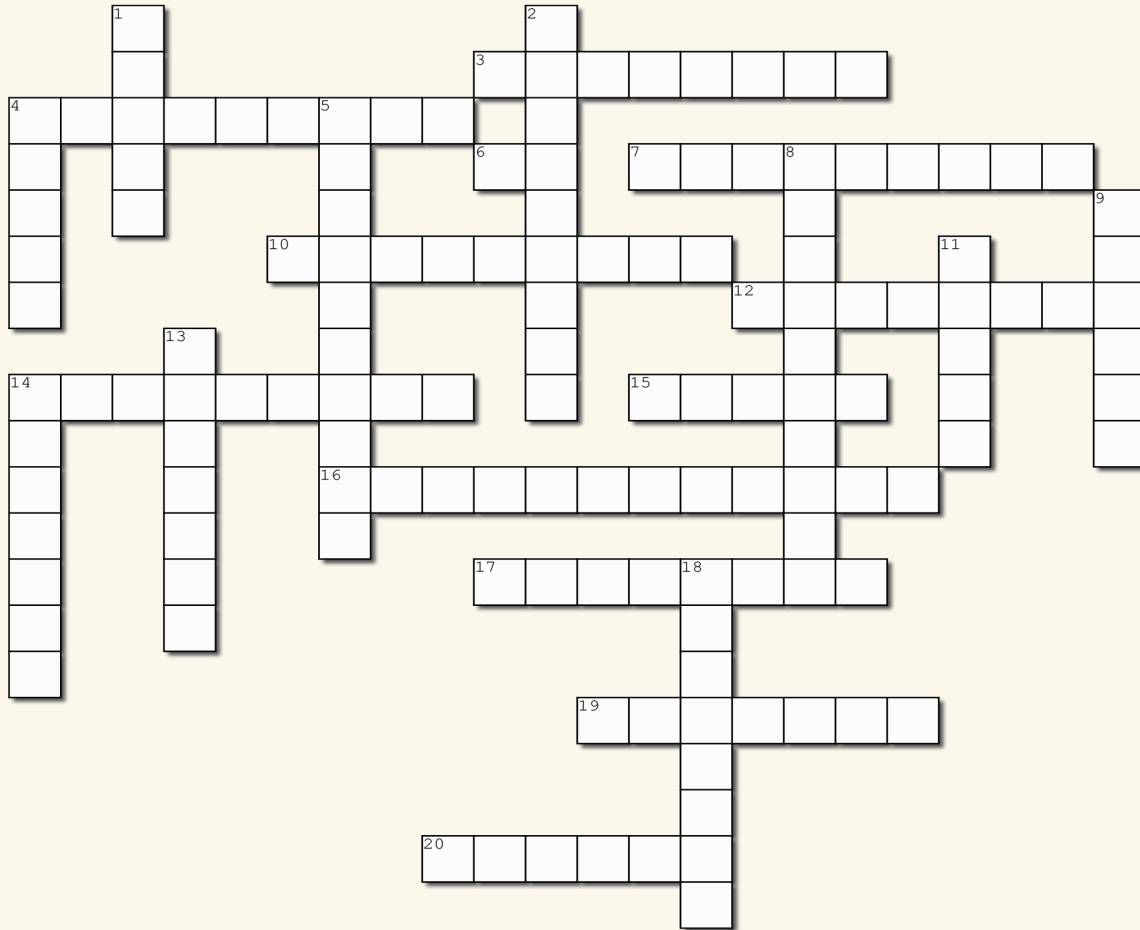
Congratulations to **Mrs. Stephanie Gay (nee Fountain)** who within the past school year got married and welcomed **baby Jacob** on February 1st, 2021. We celebrate all of life's wonderful events with them.



Test Your Wits & Win!

The **FIRST** person to complete and submit the puzzle with all the correct answers **WINS** a cash prize! Submit a photo of your completed puzzle to admin@edls.edu.bs

HINT: Read The Verdict's Articles



Across

3. _____ Review is a process to challenge the lawfulness of a decision or action of a public body.
4. _____ and persist.
6. According to Sir Dennis Byron the new frontiers are _____ and ADR
7. _____ lending refers to certain unfair lending practices of lending institutions.
10. _____ is converting waste into recyclable material.
12. A powerful tool in the fight against the COVID-19.
14. Number of 2001 graduates.
15. An abundant source of energy in The Bahamas is _____ energy
16. The _____ is the supreme law.
17. Article 25 of the Constitution deals with which freedom?
19. The Environmental Law Clinic's Webinar theme: "Renewable Energy, _____ Change and Our Fight for the Environment."
20. _____ J heard the consolidated cases Rolle et al v AG & Pierre et al v AG at first instance.

Down

1. Law students are required to undergo a period of _____ year training at the end of the first year.
2. After being called to The Bar, the next step is _____.
4. The highest court in The Bahamas is the _____ Council.
5. Commit to _____.
8. Libel is a form of _____.
9. The Bahamas is most reliant on _____ Fuel as a source of energy.
11. Cyberbullying is prosecuted under the offence of _____.
13. The Caribbean Court of Justice uses _____ technology.
14. Expect _____.
18. Klein J has a _____ background.

STUDENT'S CORNER FUN FACTS!

What actor/actress would you want to play you if they ever made a movie about you?

Lethea Carey: Taraji P. Henson

Rhodreka Strachan: Jennifer Aniston or Anne Hathaway or Cameron Diaz

RaSean Longley: Nia Long

Tanesha Forbes: Mila Kunis. Aside from her skin colour, I think she's the right amount of funny and dramatic...she'll do me justice.

Karina Rolle: Taraji P. Henson with a mix of Regina Hall.

J'Nae Hopkins (BVI): Honestly, I would play the role of myself because I do not think anyone can play me better than me.

Aquelle Tuletta: Zoe Saldana



Samuel Taylor: Michael B. Jordan or Nate Parker

Frank Saunders: Sydney Poitier

Vashti Bridgewater: Taraji P. Henson

Ebonese Bain: Kerry

Washington. She looks nothing like me and she's much older than me, but she's one of my favourite actresses out now and will likely do me justice regardless. Perhaps she can play me in one stage of my life. This of course is liable to change if a greater and more fitting actress appears...

Ilsha McPhee-Johnson: I would choose Lupita Nyong'o because my family thinks we favour each other, and she is an extraordinary actress.



Asha Lewis: Danai Gurira or Erika Alexander

If one song could play every time you enter a room what song would that be and why?

Lethea Carey: 'Brown Skin Girl' by Beyonce ft. Blue because it makes me feel beautiful and strong.

Rhodreka Strachan: 'Strong Woman' by Popcaan

RaSean Longley: 'Lovely Day' by Bill Withers

Tanesha Forbes: 'Free' by Perri Jones. I picked this song because it literally represents how I live my life.

Karina Rolle: 'Firework' by Katie Perry because I light up a room every time I enter lol.

J'Nae Hopkins (BVI): 'Win' by Jada Kingdom

Aquelle Tuletta: 'Who Run The World (Girls)' by Beyonce. Why?

This song represents not only female empowerment, but the fact that women, in spite of our femininity, have the strength, power, intelligence and ability to break . by becoming leaders and contributors in various fields that were once dominated by men.

Samuel Taylor: 'Single' by The Neighbourhood. The reason being is that the song is about a gentleman asking the father of the woman he's interested in for his permission to allow his daughter to be with him. This song shows how much the writer is interested in the woman and that he would do



anything for her.

Frank Saunders: 'One in a Million', by Larry Graham. It speaks to my unique way of operating, and my overall indifference to things that happen around me.

Vashti Bridgewater: 'No Guidance' by Chris Brown featuring Drake
Just read the lyrics :)

Ebonese Bain: 'MOOD 4 EVA' by Beyoncé, JAY-Z, Childish Gambino, Oumou Sangaré Beyoncé is my reason.

Ilsha McPhee-Johnson: 'Open the Gate' by Ilsha McPhee

Asha Lewis: 'Toast' by Koffee because it reminds me to be happy but grateful for the good things in my life or for my success thus far.

If you could start your own society on your own island, what would be the first rule you would put in place and why?

Lethea Carey: The first rule I would put in place is that harming others in any way whether physically or psychologically etc without just cause to be determined by investigation is forbidden.

Rhodreka Strachan: Barter is our official monetary medium. I would want our own currency and before the currency can be developed there has to be some method of exchange.

RaSean Longley: My first rule would be that the wealth would be common that way everyone will have equal opportunities and privileges within the society.

Tanesha Forbes: My first rule would be the



golden rule, treat others how you want to be treated. This is because it keeps life simple and drama free. If a person isn't doing anything to harm your person or interfere with your life, then let them be free to live as they please.

Karina Rolle: The first Rule would be no littering because cleanliness is next to godliness and keeping our island clean will help the environment.

J'Nae Hopkins (BVI): I think for a society to last it would be best that there is good communication among the community. Therefore, one of my rules would be to communicate when necessary.

Aquelle Tuletta: Education must always freely be available to all citizens. Why? As once stated by G.K. Chesterton "Education is simply the soul of society as it passes from one generation to another."

Samuel Taylor: The first rule of my society would be that everyone will be treated equally and no special treatment would be given to anyone due to race or any other classification.

Frank Saunders: No Lying...all other evils stem from or involve lying.

Vashti Bridgewater: Live life to the fullest. Reason being that you only have one life to live and life is short. You might as well have the time of your life while you're at it.

Ebonese Bain: The first rule would be that everyone would have equitable access to essential materials and things. I believe there would be less pain and suffering in the world if people were given a fair shot. Basically, if it were otherwise, it would be like every other place in the world and clearly, that's not working.

Ilsha McPhee-Johnson: My first rule would be

for every person/family to have a piece of the island. Every citizen would have their own piece of land so as to place everyone in a well-off position financially.

Asha Lewis: I would first implement laws regarding the fundamental rights and freedoms that each person living in my society will possess. For example, the right to life, the right to personal liberty, freedom of movement, freedom from inhumane treatment, freedom of enjoyment of property, freedom of conscience, freedom of association, respect for privacy and family life. These would be the first set of laws I implement because everyone in the society has to understand and respect that everyone is equal and has the same rights under the law.

If you had to work when you graduated high school, but you didn't need the money, what would you choose to do?

Lethea Carey: I would be a singer/entertainer.

Rhodreka Strachan: I would work in a Café or Museum in Europe.

RaSean Longley: Hairdressing

Tanesha Forbes: I'd do music full-time.

Karina Rolle: Work at a Food Bank/ Community Centre to help assist families that are less fortunate.

J'Nae Hopkins (BVI): I would have worked with a shelter that deals with homeless dogs. I personally have a soft spot for dogs, and I hate to see homeless dogs. I personally feel Caribbean countries do not take homeless dogs as serious as we should.

Aquella Tuletta: I would donate my time by volunteering as a Children's Protection Officer in a reputable organization such as the United Nations.

Samuel Taylor: Working at Bahamar as a Bartender.

Frank Saunders: Shoeshine boy

Vashti Bridgewater: Flight attendant.

Ebonese Bain: I'd want to write for a magazine or TV show.

Ilisha McPhee-Johnson: Entertainer. It has always been my dream to be a respected entertainer.

Asha Lewis: I think I would be a model or an assistant in a library because I love books.

Would you rather travel the world for a year on a shoestring budget or stay in only one country for a year but live in luxury?

Lethea Carey: I would rather stay in only one country for a year living in luxury because I would not be able to fully enjoy travelling the world on a shoestring budget.

Rhodreka Strachan: Stay in one country for a year but live in luxury. Because who doesn't want to live in abundance?

RaSean Longley: I would rather stay in one country for a year and live in luxury because I will market "my luxury" and be able to travel the world for a year on a bigger budget afterward. 💡

Tanesha Forbes: Honestly, I'm split on this because I like the idea of exploring different cultures. But in the same breath, struggling isn't for me. I like nice things. For that I think I'd live the life of luxury because I believe it is very possible to stay in one country for a year and still have an amazing experience.

Karina Rolle: I'd travel the world for a year on a shoe-string budget because it would give me the opportunity to experience an array of different cultures. I would gain a wealth of knowledge as it relates to those cultures and

it would teach me discipline as it relates to spending because I would only have so much money to work with.

J'Nae Hopkins (BVI): Traveling is fun. However, traveling would not be as exciting if you are traveling with no money because the stuff you can do at the various destinations would be limited. Therefore, I would rather stay in one country for a year and live in luxury.

Aquella Tuletta: I would definitely stay in one country such as South Africa for a year and live in luxury. Why? South Africa is rich in history and culture. I would be able to travel the entire country, meet new friends, learn some of the languages spoken there and become knowledgeable about their various cultures, cuisine, artwork, and the history of their beautiful country.

Samuel Taylor: I would choose to travel the world on a shoestring budget. The reason for my decision is that traveling to different countries would make me more experienced and I would gain an appreciation and an understanding for different cultures around the world. Another reason is that I have a passion for different languages, especially French, and being able to communicate to someone in their native language would be an advantage.

Frank Saunders: Travel the world for a year on a shoestring budget. I like meeting people

and experiencing new cultures, which I have been doing all my life. I have, to this day, visited every continent, except Antarctica, over 50 countries, more than 200 cities, and experienced many diverse cultures. This has helped to make me who I am today.

Vashti Bridgewater: I would rather travel the world for a year on a shoestring budget because I will be presented with more opportunities and experiences. It has always been a goal of mine to travel the world. Traveling in itself makes me happy. I'll be happy

Ebonese Bain: I'd travel the world for a year on a shoestring budget. Travelling around the world is my personal idea of luxury.

Ilisha McPhee-Johnson: I would stay in one country for a year and live a life of luxury. After being in school for literally all my life, and living off of Ramen noodles and Kool-Aid, I would love to choose a country and live a life of comfort. Also, with the Pandemic, I am more careful with where I travel.

Asha Lewis: I would prefer to travel the world on a shoestring budget because even though I wouldn't have a whole lot of money I would still be able to see the world and experience different cultures, and that's more exciting than staying in one place for a year and living in luxury. 🙌





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