

 **THE**  **VERDICT**

EUGENE DUPUCH

LAW SCHOOL MAGAZINE

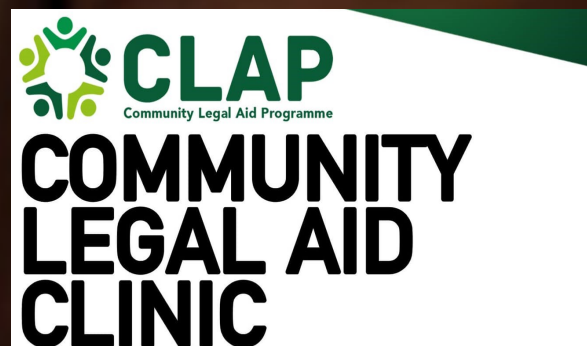
**CELEBRATING THE
2022 GRADUATING
CLASS**

**AN INTERVIEW WITH
CARLA CARD-
STUBBS**

**RESTORATIVE
JUSTICE**
A COLLECTIVE SOCIETAL
APPROACH TO CONTROL CRIME

**CROSSWORD
PUZZLE
SURPRISE**

Volume No. 4
September 2022





justice

access

diversity

equity

class

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Letter From The Principal

Dear Reader,

...and just like that, we're at the dawn of a new day. Poised to press into the light of a new year and all that it brings - new students, new jobs. New faculty, new staff, new bosses. New things to study, new things to learn. New opportunities. Positioned in readiness. Ready to aim towards the high marks set by ourselves, set by the trials of months and months of uncertainty and disruption but also preparedness. Ready to dislodge cobwebs of frustration. Ready to embrace the challenge of change. Excited to step into spaces ordinary once, perhaps, but now alive with the shared enthusiasm of workers, colleagues and friends.

Our joy is tempered by our reflections of those with us formerly but who've changed course, who've stepped into different spaces. We're grateful for the time shared, no matter how fleeting. We're appreciative of the help, encouragement, kindness, and frankness too.

So here we are...poised, positioned, ready, grateful. With faith as our friend, we'll be alright.

I wish to express my profound gratitude to those Tutors who were with us last year but will not be with us in the 2022/2023 academic year - Ms. Carla Card-Stubbs; Ms. Damara Dillett, Justice Deborah Fraser, Ms. Christina Galanos; Mr. Edgar Moxey; Ms. Michelle Petty-Horton, Ms. Samantha Williams, Chief Justice Ian Winder, Ms. Cheryl Whyms. Your service was greatly appreciated.

Hearty congratulations are extended to the Class of 2022. Well done.

Sincerely,

Tonya Bastian Galanis

Principal 🇺🇸



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

Dear Students,

On behalf of the Eugene Dupuch Law School Students' Association (EDLSSA), I would like to congratulate Year 1 students on their advancement to Year 2 and Year 2 students on their advancement to graduates of this prestigious learning institution. The journey has not been easy, but you've withstood all that was thrown your way and ultimately successfully rose to the occasion and came out on top!

The academic year offered a new start and a fresh opportunity for Year 1 students to engage with Tutors, to confront new courses and to challenge new ideas and perspectives while receiving instructions in a virtual space. Although it was a new experience for Year 1 students, it was an experience Year 2 students were well accustomed to. The start of a new academic year gave both Year 1 and Year 2 students the opportunity to bring their own renewed sense of discovery and intellectual curiosity to the academic experience which proved to be fruitful and beneficial to their learning experience.

This academic year, the delivery of virtual instructions became more seamless and engaging through major modifications and improvement of our Learning Management Software.

As President, it was my vision to provide a positive and inclusive environment that encouraged students to develop their personal and professional confidence and capabilities through EDLSSA's programmes and services. The aim of the Executive Committee was to, as much as possible, engage the student body by providing interactive activities to participate in, while adhering to the COVID-19 protocols put in place by the Government. This was done in an effort to ensure students felt included

despite operating from a virtual space. There were many activities held which contributed to the development of a high standard of professional legal training and provided avenues for socialization amongst the student population. These activities included church services, professional development seminars and virtual game nights and dine-arounds which were hosted across all jurisdictions.

EDLSSA also engaged in community service projects such as "*Operation Gobble! Gobble!*" which was a partnership between EDLSSA, Genesis Warhawks Junkanoo Group, Rotary Club of South Ocean, Rotary Club of East Nassau and Rotaract Club of East Nassau. This initiative was geared towards providing 300 Thanksgiving meals to residents of the Kemp Road Community and was spearheaded by our very own Mrs. Nicole Sutherland King, the Director of the Legal Aid Clinic. EDLSSA also held a Secret Santa gift giving where gifts were purchased by students and faculty for the children of the Nazareth Centre. This initiative was done in an effort to ensure that the children of the Nazareth home had at least two gifts, through our donations, to open on Christmas Day.

To ensure students were receiving a high standard of professional legal training, Legal Education Week 2022 under the theme "*Raising the Bar: The Modern-Day Law Practice & Access to Justice*" encompassed a variety of seminars led by a Justice of the Supreme Court, Deputy Supreme Court Registrars, Queen's Counsel and other Attorneys-at-Law. These seminars included discussions about people-centred justice and its importance and benefits in a modern legal society, maintaining a modern law practice, the effect of the global pandemic on the legal profession, virtual proceedings and web ethics, and the bail management system

just to name a few. Additionally, a mini-series on body, mind and soul was incorporated during the week to help students to manage the stress of Bar School and everyday life.

EDLSSA's success could not have been achieved this year without the support of an amazing Executive Team who worked tirelessly to ensure that each event we hosted was a success and catered to the development and immediate needs of the students. It has truly been a pleasure working with each and every one of them and it was a pleasure to see their hidden talents come to life. However, our success as an Executive Team was only possible as a result of the continued support and assistance of our Principal, Mrs. Tonya Bastian Galanis, and Senior Tutor, Mr. Clive Guy, who always considered the needs and concerns of the student body during the year. We are grateful for their open-door policy and for all the advice and recommendations given to ensure that any venture we embarked on was a success. We also owe our success to the Faculty and Staff of the Eugene Dupuch Law School who went above and beyond to support our students and to ensure that our educational experience was an enriching one. Lastly, but certainly not least we owe it to you, the **STUDENTS!** Thank you for your unwavering support and allowing us the opportunity to be your student representatives for the Academic Year 2021-2022.

As my tenure comes to an end, I want to encourage students to take full advantage of the many opportunities that will be afforded to you for academic and professional development, both individually and as a collective student body. Become involved because it is only through your involvement you will be able to make a change. Be receptive and open to a new experience. There will be long days and many sleepless nights, but be self-motivated and remember that the programme is just a stepping stone to your ultimate goal. Whenever you feel discouraged, remember there are people who have successfully

completed this programme so nothing is impossible ... **THE SKY IS THE LIMIT!**

To students entering Year 2, you're almost at the finish line! This is the time for you re-shift, re-focus and re-energize to make it to the finish line. It will not be easy but, trust me, it will definitely be worth it. As you transition from a virtual space to face-to-face, keep an open mind. I know it may be daunting for some but be assured that it is an opportunity for you to develop closer relationships with administration, colleagues and tutors and to get a feel for what will be required of you in the "real world". Remember to be your brother's keeper because no man is an island!

To the Graduating Class of 2022 ... **YOU'VE STUDIED AND SHOWED YOURSELF APPROVED ... CONGRATULATIONS ON A JOB WELL DONE!** This is the time for applying for pupillage, exploring job opportunities and taking the next step in our careers. Whatever these may be, I know that you will operate with veracity and a high level of competence because you have gained the necessary skills and knowledge, through the Eugene Dupuch Law School, to become extraordinary attorneys who will certainly stand out in the profession. I have every confidence that wherever you may end up professionally that you will succeed and great things are going to come from this class!

I am grateful for the opportunity to have served as your President for the Academic Year 2021-2022. Thank you for supporting my vision and entrusting me to lead the student body; my success and that of EDLSSA is owed to each of you.

I hope that the relationships, memories and achievements you take from The Eugene Dupuch Law School last a lifetime. Thank you, and I wish each student the very best for a productive academic year and prosperous future.

Sincerely,

Karina Rolle

EDLSSA President 2021-2022 

Message from the Publication Committee

Law School is a place for change, transition and transformation. We are once again transitioning from the end of one school year to the beginning of another. We are preparing to celebrate the graduation of our 22nd cohort of law students who have successfully passed the “comprehensive and robust” certifying examinations; and we are anticipating their subsequent call to the Bar as Counsel and Attorneys-at-Law. We are also in the throes of preparation to welcome back our newly promoted second year students as they take the reins of student leadership and become mentors to the incoming batch of uninitiated first year students. As a school

education and training. As an institution committed to “excellence in legal education”, the Law School’s mission is not just to produce “competent attorneys who are knowledgeable in the law” but practitioners who are “imbued with integrity, high ethical standards and a sense of social responsibility and service to the community.” As a school community, we never lose sight of our mission nor can we afford to.

As Mrs. Carla Card-Stubbs writes “law governs every facet in life and regulates every person (natural and legal). Law governs us when we enter the world ... while we exist ... and when we exit ... There is no other concept in civil society (with maybe the exception of religion) that governs the nature of society and the role and rights of the legal person in such a blanket way.” As law is so intertwined with our very existence, we must not only protect the rule of law but ensure that all have access to the law. Sadly, there are many persons who lack the financial means to afford a lawyer so as to access justice and obtain adequate protection of the law.

community, we are proud to say that each stage of transition brings positive transformation as we witness changes in thought processes, attitudes and demeanours from university graduates to law students to lawyers.

However, the transformational process goes deeper than legal


Yet, within our school community, lies hope of change for the better. Recognising their future role of lawyers, students sought to learn more from



distinguished practitioners about “[t]he Modern Day Law Practice and Access to Justice” during Legal Education Week 2022. Ingrained with this sense of social responsibility, we can have hope that our graduates will fully embrace their role as lawyers and contribute to improving access to justice and to making other needed changes in the legal system for the betterment of all. We can have hope that we will see this reflected in their practices whether through engagement in law reform, public education, or pro bono work for example through the recently launched *Community Legal Aid Community Programme* (CLAP).

We congratulate our graduates and look forward to hearing of their future successes and accomplishments! In closing, the words of Barack Obama, 44th President of the United States of America reminds us all that -

“Change will not come if we wait for some other person or some other time. We are the ones we’ve been waiting for, we are the change that we seek.”

Peace and Blessings
Raquel Williams on behalf of the
Publication Committee 

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Special thanks to Principal Galanis for her continued support. Thank you to all the members of the EDLS Publication Committee for all of your hard work, ideas and contributions.

Contact us at admin@edls.edu.bs

Visit our Facebook page – Eugene Dupuch Law School 

Tutor's Brief: A Formula for Success - some reflections and tips

Carla D. Card-Stubbs

'It's not an easy road

*And many see the glamour and the glitter so them
think a bed of rose, mi say
Who feels it knows, ooh...'*

Buju Banton, International reggae dancehall musician of Jamaican origin

THE WINNINGEST TEAM

I have had the privilege, responsibility and honour of teaching/training/coaching students for more than 19 years at the EDLS. During those years I coached several teams for mooted exercises, some of which were competitions. I was recently asked to say which was my favourite exercise. That is not the purpose of this article but the query did cause me to reflect on my experiences. I coached the EDLS CCJ team from the inception of the competition in 2008 until 2015. At the time of my last turn as coach, EDLS was the "winningest team" of the competition – we won 4 times in 7 years (as at 2015) with some very close 2nd places. We won again in 2017 (under Coach Raquel Williams) thus establishing an early record of 5 times in 9 years. In that time span, various other institutions won but EDLS consistently placed. That was a pretty good record.

Here's the thing with winning often: persons think it is easy. This is the paradox of success. However, success takes effort. The reality is that there is no easy road to great accomplishments. The good news is that it is always possible to establish a route to success.

SUMMER, SUMMER BODY AND ASSESSMENTS

As I write, it's summer and on social media, it's the time to assess the 'summer body'. Most results are in. Many are finding out that eating fast food, drinking carbonated sodas and being a couch-potato all year long is not a



Mrs. Carla Card-Stubbs

winning formula for a successful 'summer body'. One picture of the 'summer body' taken together with the number representing the individual's weight will give a fair assessment of the work put in (or not) prior to summer's arrival.

Summer also happens to be part of the examination season at Law School. Most results are in. Some students will have met with success in their efforts and will move on while others must re-assess. Sometimes, there will be self-reflection. Sometimes, there is disbelief. However, in the same way that a failed-summer body pleading with the scale in summer is of no effect, wishing and hoping for a better outcome on a Law School assessment is not likely to change the result of months of low (or no) effort. I think of an assessment as a score card. Consider athletes in gymnastics. They know what they will be judged on. They practise a routine and then execute. On execution, the judges hold up a score card. In Law School, consider a grade as a score on a card. A grade is merely the reflection of the student's output as measured against an objective standard. So how

do we best prepare for the inevitable assessment?

THE IMPORTANCE OF THE ASSESSMENT AT LAW SCHOOL LEVEL

It is very easy to understand why one would not want to fly with a pilot who has never successfully flown an aircraft. Nor does one want to be the experiment of a surgeon who does not understand the intricacies of the body. The immediate potential for danger to the individual and harm to society is apparent.

We know that law governs every facet in life and regulates every person (natural and legal). Law governs us when we enter the world (name, status, relations, citizenship, rights), while we exist (life, liberty, relations, assets) and when we exit (succession, relations and distribution of assets etc.). There is no other concept in civil society (with maybe the exception of religion) that governs the nature of society and the role and rights of the legal person in such a blanket way. A Law School certificate, in the EDLS context, certifies to the Bar Association and to a member of the public that the holder (thereof) has exhibited a certain basic level of competence that would permit him/her to act on an individual's behalf. The opinion and action of a Law School graduate admitted to practice potentially puts a person's life and well-being at stake. Without some scheme of assessment of the skills of a



potential lawyer, the potential danger to the individual and the harm to society would be tremendous. That is a sobering thought.

A WINNING FORMULA

In law, there are precedents and templates for successful work. There's good news: in Law School, there are precedents and templates for success. Here are some thoughts.

A. START AT THE BEGINNING

(i) Go back to basics

EDLS students come into Law School with a law degree (LLB). There is an assumption that the student has a certain familiarity with, and foundation in, fundamental legal concepts. This requires a true self-assessment. If there are any gaps in a foundational principle that is being called on in a Law School course, the student must be willing to "go back to basics". Some examples for students just starting Law School are principles in criminal law, contract and real property law.

(ii) You're beginning.... again!

Be open to learning. The adjustment to Law School is palpable in the transition from LLB to Law School and (less so) from Year 1 to Year 2. The nature of the legal profession is that it evolves and that change is a constant. Know what worked for you (and did not work for you) in the past and be willing to relearn learning.

B. THINK LAW SCHOOL

(i) You're in LAW School.

The thing with law is that because it governs our everyday life and because everyone (and their friend) seems to have an opinion on the law, one can mistakenly confuse "court of public opinion" and "public sentiment" with "court law" and "real law". Resist the confusion. Social media and public opinion may be interesting but do not constitute principles of law. There is something objectively named 'law' which is to be learnt and mastered. Go back to basics: what are the sources of law, what is the actual law, where can it be found and how is it to be interpreted.

(ii) Yes, you're in Law School – not an answer school

This might be difficult to understand at first.

To the extent that Law School is about the skill in treating with the law, it is less about the conclusion/answer you arrive at and more about the route you take to arrive there. Law School is a skilled-based institution at which you learn how to arrive at legally-sound answers. The mission: can the student (i) figure out what law applies, (ii) find it and (iii) apply it appropriately? In our noble profession, lawyers render their opinion and colleagues may differ. Judges render rulings and a higher court may overturn the ruling. A judgment may be a majority judgment which means that there was no consensus on the final result. This state of affairs gives us insight. Often, in these circumstances, the disagreement is not about whether the correct source of law is being considered (although that can be the case) but it is often whether the law is being correctly interpreted and applied in the given instance. Here is the main difference between an LLB student and a Law School student: it is no longer enough to identify and recite the correct law— you must render a learned opinion. You’ve entered the big leagues. Welcome to Law School!

C. UNDERSTAND, TRUST AND WORK THE PROCESS

In Law School, students are required to anticipate having to respond to the request of a client. This requires knowing what advice to give and what procedure to follow in a given instance. Largely it requires learning how to think/process a circumstance and to arrive at a legally-sound result. Law School students therefore are often provided with a fact pattern. The traditional LLB essay allows one to expound on principles of law and their intricacies in the abstract. In Law School, an almost-real client turns up with a situation that the law student not only has to unravel but one for which the student has to find a definitive legal response. One tiny change in a fact situation can cause a huge change in legal outcome!

Tip: If you’re tempted like students before you to

“ignore the law for a minute”, resist! Your client needs legal advice. Or if, like others, you’re tempted to “set aside the facts for a moment,” vehemently resist. No. Your client needs legal advice concerning his/her peculiar circumstances.



D. ADAPT AND ENGAGE THE TEMPLATE

Remember the leap from LLB to Law School:
Can the student

- (i) figure out what advice or action is necessary,
- (ii) find what law applies and
- (iii) apply it appropriately?

In other words, when you get instructions from a client, ask yourself:

- (1) There is a legal problem before me. I have to give advice or act. Why is this before me? What am I being asked to consider or being asked to do?
- (2) What is the relevant Law? How does it apply in these peculiar circumstances? Am I employing critical analysis?
- (3) What is the final outcome or conclusion based on my analysis and deliberation? What is my learned advice? What course of action should I advise?

The answer to (3) is what will form the content of a learned opinion. Of course, an opinion cannot be learned if it is not based on (real) law or if it is based on incorrect or inapplicable law or if it does not address applicable facts.

Law Schools have developed 2 templates for tackling legal problems – they amount to the same thing.

THE TRIED AND TRUE - FILA vs. IRAC		
F	What are the relevant F acts?	
I	Why am I looking at this matter? What does the client want or want to know? What is the I ssue to be resolved?	I
L	What is (are) the correct R ule (s) of L aw for me to use to determine each issue?	R
A	How do I A pply the correct law and why am I applying it this way based on these facts? Am I using critical A nalysis? Having applied it this way on these facts, what is my A dvice or A ction to be taken?	A
	Having applied the rules of law this way on these facts, what is my C onclusion or C ourse of action to be taken?	C

THE SECRET

Ready for the secret? Follow the template. Trust the process. It has served many young lawyers. It is the stuff that judgments are made of. FILA and IRAC are your legal versions of what should start to come naturally to you:

- (1) There is a legal problem before me. I have to give advice or act. Why is this before me? What am I being asked to consider or being asked to do?
- (2) What is the relevant Law? How does it apply in these peculiar circumstances? Am I employing critical analysis?
- (3) What is the final outcome or conclusion based on my analysis and deliberation? What is my learned advice? What course of action should I advise?

Of course, the FILA/IRAC template is a main part of the formula. Hard work is the other part. Work. Hard. Repeat. *Tip: It is what it is....*

PREPARE AND PERSEVERE....REPEAT

Everything is difficult... until it is not. Human beings tackle projects that are new to them... until they are not. Newness necessarily means a process of adjustment. Learning to ride a bicycle or to swim or to drive a car can be difficult... until it becomes second nature. You have a template – use it. You will have many opportunities to do so in Law School. In sports and in coaching, there are “drills” (repeated

steps) to help us master an action. There will be drills in Law School to ensure that you can think and respond as a lawyer when met with a real, live client. There are low-risk drills and high-risk drills. The drills may be called “tutorials” or “in class-exercises” which are low-risk drills or they may be “assignments”, “exams” or some other assessment which would be a high-risk drill. In each instance, start at the beginning, go back to basics, work the process, adapt and engage the templates. Do the hard work. Work hard. Repeat. *Tip: Do as many of the low-risk drills as you can before you’re met with the high-risk drills!*



REMEMBER YOUR WHY

I have not yet met a student who got into Law School by accident. Sometimes, it may not have been the course that they imagined but I have never met someone that did not know of their enrollment or who was surprised on the first day of classes to be sitting in a class at Law School. The fact is that at some point you took active steps to be at Law School. What was your

motivation? What was your 'Why'? Know that sometimes your Why changes - it may evolve. Keep your Why in the forefront. You will need it when you're travelling down a road that is not easy. Remind yourself that this path is temporary and that the end is in sight. Keep yourself motivated – sometimes you have to encourage yourself. *Tip: Sometimes you will have to encourage yourself to encourage yourself...*

IT WORKS IF YOU WORK IT

*'I never thought I would've made it
Then afterwards, they mistake it, cho
I'll be here for sure, don't worry...
It's not an easy road'*

Buju Banton, International reggae dancehall musician of Jamaican origin.

So back to my coaching experience. What was the formula for success? The mooters will tell you that it was not an easy road. There were hearty (and heated) debates about the law and the approach to be taken coupled with several difficult moments of anxiety and occasional periods of self-doubt. However, the template was pretty straight forward:



- (1) There is a legal problem before me. I have to give advice or act. Why is this before me? What am I being asked to consider or being asked to do?
- (2) What is the relevant Law? How does it apply in these peculiar circumstances?
- (3) What is the final outcome or conclusion based on my deliberation? What is my learned opinion? What course of action should I advise?

Of course, the rest of the formula was employed: hard work – preparation, perseverance ...and repeat. Was it worth travelling this road? I have great respect for the

students who put in the time to stretch themselves for any mooting exercise, who showed up and excelled and who, simultaneously, shouldered their regular responsibilities at Law School. I appreciate that not everyone can do that but this should not detract from admiration for those who actually accomplish the feat. They found out what they were, and could be, capable of.

Was it worth it? I have great respect for the students over the years who, despite the odds of illness, family death, personal loss, financial concerns and life disruptors, found a way to show up and push through. It never is an easy road - but oh the lessons we learn along the way!

Was it worth it? I think of seeing pictures of smiling faces of graduands and family on graduation days and of listening to the proud recounts of past students, now learned counsel. My guess is that it was worth it for them and that it will be worth it for you.

OBITER DICTUM: TTSP

I was recently pleasantly surprised when a past student, now of many years call, told me that this piece of advice had become useful to her over the years in her personal and professional life. TTSP: *"This too shall pass."* This is a timeless, universal truth which is true of everything and every circumstance – the good, the bad and the ugly. It is certainly true of Law School. Law School will require adjustments that may prove difficult (but not impossible) over periods of time. However, Law School is the time to be curious, to learn, to ask many questions and to ponder. Law School is also the time to build good habits of discipline and execution. Soon enough, Law School will be behind you and you will be responsible for the well-being of society and its residents. Law School too shall pass – the good, the bad and the difficult experiences. So know that the end will come and plan for it. Go back to basics, work the process, persevere and remember your why. Very soon, you would have developed your own formula for success! 🍀



Annual Caribbean Court of Justice International Law Moot Champions 2010



Access to Justice through Libraries

Gayvelle Davis, Librarian

“There can be no equal justice where the kind of trial a man gets depends on the amount of money he has” (Griffin v. Illinois, 1956).

This is one of the main principles which undergirds the access to justice movement. The United States Institute of Peace website (accessed 28 July 2022) defines access to justice as *“the ability of people to seek and obtain a remedy through formal or informal institutions of justice...”* The National Center for Access to Justice (NCAJ) states that access to justice *“means that when people encounter life challenges they are able to understand their rights under the law, protect those rights, obtain a fair outcome, and know that the result will be enforced under the law.”* NCAJ (2022) reveals that *“80% of the legal needs of the poor are unmet”*. So, for many persons who are unable to afford an attorney this means that unfairness and injustice often prevail. The danger here is that when unfairness and injustice become the norm the foundations of a country’s democracy begin to erode.

In light of this, the United Nations 2030 Agenda for Sustainable Development Goals seeks to address the ills faced by many nations which subscribe to democratic values. In particular, Goal 16 of the United Nations 2030 Agenda seeks to *“promote peaceful and inclusive societies for sustainable development, provide **access to justice** for all and build effective, accountable and inclusive institutions at all levels”* (United Nations, accessed 16 June 2022). The United Nations notes that without access to justice a country’s rules and laws will not be upheld (Report of the Secretary-General, United Nations Security Council, 2004).

But what does access to justice have to do with libraries? The common thread between



access to justice and libraries is **access to legal information**. In the Development and Access to Information Report 2019 meaningful access to information is defined *“as the rights and capacity to use, create, and share information in ways that are meaningful to each individual, community, or organization”* (International Federation of Library Associations and Institutions (IFLA) & Technology and Social Change Group (TASCHA), 2019). Access to information can therefore be considered a necessary precursor to access to justice. This article promotes the view that law libraries must play a critical role in providing access to public legal information (PLI) such as statutes, judgments, and regulations, especially in small island developing states (SIDS).

Anderson (2016) underscores that people’s perception of libraries as being an inherently impartial, honest broker is critical in the access to legal information movement as it positions the library as a place where anyone can go and receive equal access to information. Anderson (2016) sees public libraries as the driving force in providing access to legal information and ultimately to justice; and while he may not be wrong this article argues that law libraries, in particular, have an important role to play. Law libraries generally have a larger collection of legal material than public libraries. The law library will be able to provide access to the library’s collection which is generally comprised of treatises, law reports, journals, dictionaries, encyclopaedias, forms and precedents

collections, judgments and electronic databases. In facilitating access to legal information, the law library should also be able to provide users with the means to retrieve it. For example, with paper-based information, the library should have these properly indexed so that the researcher can easily find what they need and with online legal information the library should have computers with internet access for members of the public to access online information. Other tools such as guides and finding aids which would make finding information that is relevant to a person's problem easier to locate would also be useful.

Anderson (2016) makes the point that because public libraries are generally more numerous and available to John Q. Public, they are the best spaces/locations which can provide access to legal information. While the ubiquity of public libraries is generally true, in the push to create access to justice in SIDS every library can play an important role, particularly law school libraries whose collections are inherently legal. Barnes and Cox (in Anderson (2016) argue that law libraries can help public libraries provide "meaningful" access to legal information and suggest several ways that this could be achieved such as: providing, compiling and documenting responses to frequently asked questions (FAQs) and electronic links to resources; sharing resources on a larger scale; collaborating to disseminate public legal information; and partnering to create online tutorials and videos which demonstrate how to conduct legal information searches. Other ideas whereby law libraries can be relevant in the access to justice movement are by collaborating with other libraries in public outreach campaigns focused on access to legal information; partnering with public libraries to provide face to face legal information sessions and using un-manned information centres where persons can obtain brochures and guides (Anderson, 2016).

Equal access to justice "demands that everyone be able to research any legal or

political issue", Hackerson (2010). In their paper titled "*A necessary pre-condition: Libraries, information and Access to Justice*" (accessed 16 June 2022) IFLA points out that when users have access to legal information, they tend to be less stressed as they begin to understand the legal environment in which they will need to function. Therefore, providing online access to PLI, such as legislation, case law, regulations, decisions of regulatory bodies etc. is critical in this regard as persons in need of legal recourse should be able to read for themselves which laws or regulations are relevant to their situation.

In The Bahamas, the government has taken important steps to provide access to justice by ensuring that statutes, amendments, subsidiary legislation, and judgments can generally be found online. This type of public information is also collected by law libraries like the Eugene Dupuch Law School Library. Members of the public can utilise the Law School's library facilities to research local and regional legislation and other legal resources. However, Bilson et al. (2017) submit that improving access to justice does not happen just by providing access to PLI, but part of the formula involves ensuring that intermediaries such as trained library staff are available and, that there exist appropriate spaces in which persons can conduct legal research. Having library staff who can help make the connection between a person's problem and the right information resources which will shed light on their issue is important in providing equal access to justice. While they highlight the role of librarians and library staff in bridging the gap in patrons' understanding of the legal materials available to them in relation to their query, they also point out factors such as "illiteracy, language issues, cognitive difficulties or mental health issues" that pose barriers in accessing information and justice. However, in both public and law library settings when providing legal research assistance to members of the public, library staff must be mindful of the difference between legal research and legal advice as they can be accused of engaging in the


unauthorised practise of law.

Peruginelli et al. (2019) posit that besides promoting respect and compliance for the law, free access to law creates a domino effect whereby increasing persons' ability to understand the law that is applicable to a particular issue increases their understanding of how the judicial system works, which increases their ability to understand that a just decision was made in a legal matter, which in turn works to improve democratic institutions. Conversely, they also point out that access to information does not equate to understanding the law. In order to reduce any deficiency in understanding, Peruginelli et al. (2019) propose, in a similar manner to Bilson et al. (2017) that there should be "collaboration among stakeholders (governments, publishers, libraries, academia ...)"

One of the caveats in providing online access to information is that when making PLI freely available authorities must ensure that the information is protected from unauthorised alteration; and that steps are taken to preserve and archive such information. IFLA also recommends that strategies for making such information available to the public should be incorporated into national development plans as a way to achieve the UN 2030 Agenda and also to assist in building access to justice (IFLA, 2016).

In The Bahamas, the provision of online access to public legal information is a positive example with regard to access to justice. In the United States, the Federal Depository Library Program (FDLP) is another great example of an implementation that promotes free access to law (Pettinato, 2007). The FDLP ensures that bills, laws and other government documents are lodged at specific libraries which have been designated as depository libraries. These federal depository libraries ensure that public legal documents are made available to everyone regardless of race, colour, creed, status or any other limiting factor. The FDLP contributes to access to justice by ensuring that public legal

information is physically available to geographically dispersed communities; and it is also important for persons who do not have digital connections. The FDLP is a great example of a solution that can be promoted through public and law libraries to ensure that long-term access to PLI to is enhanced.

As demonstrated in this article, law libraries have a critical role to play in relation to providing access to justice by ensuring that public legal information is easily available to anyone who needs it. To do this, law libraries can directly and indirectly leverage their collections, their technology, and their staff to assist the access to justice movement. 



De-stress and Refresh

Raefield Munroe, Year 1 Student

Law is hard! There is so much simplicity to this basic truth, but it is also so complex and never truly understood unless it is experienced first-hand. One of the most intimidating things about the law being hard is that you never truly stop being a student. As the law is ever changing, you must adapt in order to respond to these changes, sometimes at a pace that feels almost unnatural.

In this writer's humble opinion, this simple truth is even harder on the entry level student. Between meetings, assignments, classes, tutorials, professional development seminars, extra-curricular activities, legal aid clinics, moots, social events, exam-preparations, exams and in-service training, it is no surprise that adjusting to this reality is overwhelming and stressful. The reality of how challenging the study of law is could quickly overcome you like quicksand.

Getting adjusted to this new reality as an entry level student can be jarring. You are completely focused on getting one task done so that you can move on to the next; and it seems like no matter how much work you get done the pile continues to grow. *How can I handle this? Am I truly capable of doing this?* These are some questions that entry level students would ask themselves five months deep into Law School.

During Legal Education Week 2022, Mrs. Kim Welcome introduced students to techniques to avoid them having that feeling of sinking. The focus of her presentation was meant to teach students how to better handle life's stressors through adopting coping mechanisms that can encourage students to continue working towards their goal.

The approach that was taken was one that was unique to say the least. Mrs. Welcome did not tell the students what they should and

should not do. Instead, in her interactive session she posed two simple questions. The first question was *"How will you explain your accomplishments to your grandchild at age 90?"*. The second question was *"What would be the one thing that you would regret that you didn't do if you were on your deathbed?"*. The students had 90 seconds for each question to think about their responses.

The responses for the first question were engaging and at times a bit funny, ranging from *"I like nice things"* to *"practicing grace and patience with oneself"*. Without realising it, Mrs. Welcome got a group of like-minded students to place themselves in a position where they had completed their own goals and had inspired others to do the same. It was almost like a reminder of why you were looking at this simple truth dead in the eye and saying, **"bring it on!"**.

The most interesting question on the other hand was the second one. Students were placed in a position to truly think about how they would feel if they gave up now. After giving such energetic responses to the first question, the second question really drove home the reason why adapting to this new reality is so important.

At the end of this session, the questions, *"How can I handle this?"* and *"Am I truly capable of doing this?"* were answered by each student's individual response. Mrs. Welcome encouraged and reminded students at the Eugene Dupuch Law School that they were more than capable of achieving their goal.

This famous quote by Harry S. Truman came to mind: *"If you can't stand the heat, get out of the kitchen"*. The fact that EDLS students are in the kitchen in the first place means that they are capable of handling the heat.

However, in as much as it is true that Law is hard, the session held by Mrs. Welcome, taught students how to deal with the stress of adapting to this new reality by focusing on the end goal and remembering why it is so important to do this. It is safe to say that the students of EDLS tightened their aprons and got to work. 🍳

Legal Education Week: Church Service

Tamika Roberts, Year 2 Student

On Sunday, February 20, 2022, the Eugene Dupuch Law School Students' Association commenced the Legal Education Week (LEW) of events with a church service of prayer and thanksgiving. The church service was held at Prayer and Deliverance Temple at Taylor Street, Nassau, The Bahamas. Apostle Winton Wellington Roberts prayed for the student body and for the LEW to be successful. People who were unable to attend in person were able to join online. 📺



L-R Tamika Roberts (Library Representative), Apostle Winton Wellington Roberts and Pastor Joy Roberts, Karina Rolle (ELDSSA President) and Gary Rolle (EDLSSA Vice President).



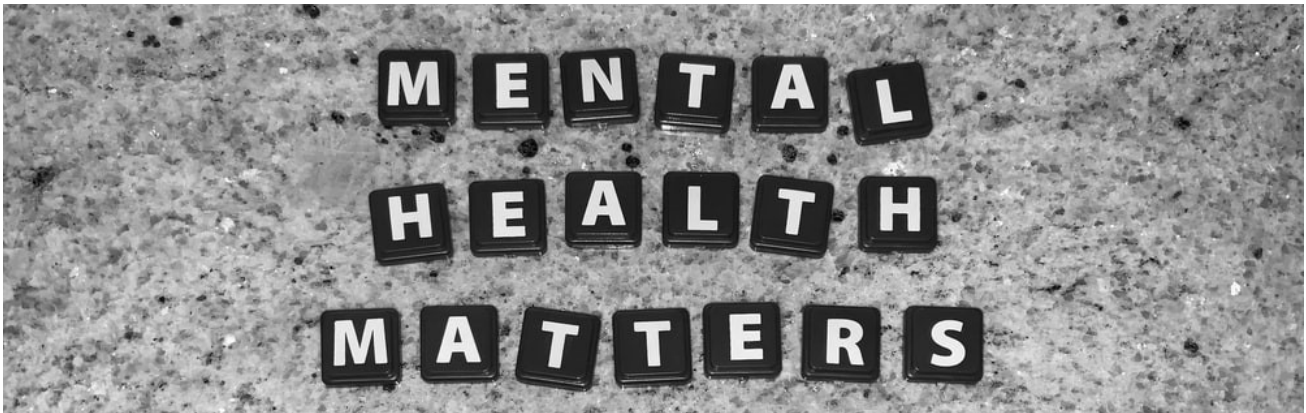
Legal Education Week: Our Minds Matter

Sasha King, Year 1 Student

The Legal Education Week was a success with a stellar line up of presenters. This could only have been accomplished by great planning on EDLSSA's part and the willingness of phenomenal individuals to give of their time. One of these phenomenal individuals was Dr. Detra Bethell, who spoke to students about the importance of taking care of our minds.

Dr. Bethell encouraged us to take a holistic approach to taking care of our minds so that all aspects of our lives are in synchronisation that is, our emotional, physical, psychological and social well-being.

- ◆ Setting boundaries (Balance is key.)
- ◆ Changing our ways of thinking (We are all where we are for a reason.)
- ◆ Recognising our triggers and actively working to understand and control our emotions
- ◆ Dancing like no one is watching (Exercise is good for the mind as well as the body.)
- ◆ Relaxing by controlling our breathing
- ◆ Visualising a calming place
- ◆ Remembering simpler times
- ◆ Progressive muscle relaxation (This one was a crowd favourite.)



Some signs that any of these aspects are out of sync may be anger, withdrawal, and insomnia.

Additionally, we were reminded that a support system is key both within the school environment (persons in misery with us) and outside of the school environment (persons who are still happy and optimistic). Persons in our external school support system may include our family members, our significant other, a community support group or church members.

Dr. Bethell also left us with some tools and tips to help us maintain healthy minds. These included:

- ◆ Structuring our day

Dr. Bethell explained that as humans, we are allowed room for mistakes and setbacks; and as a result, we should allow ourselves the space to express the emotions these situations may trigger in us ... without feeling guilty.

Finally, we were urged to be intentional about taking care of ourselves and to always remember that tomorrow is another day!

It was a timely and greatly appreciated presentation and we will strive to take better care of our minds because as Dr. Bethell said, and I concur, "*our minds matter.*" 🙌



Legal Education Week: Practicing Law in a Modern Legal World

Dancia Knowles and Ava Laroda, Year 1 Students

Electronic Recordings, Communication and Admissibility - Dancia Knowles

On the afternoon of February 22, 2022, the Honourable Mr. Justice Bernard Turner, Senior Justice of the Supreme Court of the Commonwealth of The Bahamas addressed the students of the Eugene Dupuch Law School on the topic *Electronic Recordings, Communication and Admissibility*. Justice Turner's presentation focused on the admissibility of evidence obtained via video recordings, computer records, electronic monitoring devices, and listening devices.

Justice Turner reminded students that the Evidence Act, the statute governing the admissibility of evidence, has undergone amendments to keep pace with our ever-evolving digital and electronic technology era by allowing for the admissibility of various forms of electronic recording of information relevant to both criminal and civil cases.

For example, pursuant to the *Evidence (Amendment) Act, 2014* recordings made on closed circuit television (CCTV) may be admitted into evidence and used to raise the presumption of the presence of an accused person at a crime scene. Similarly, the electronic monitoring devices may also be allowed into evidence and used to raise the presumption of the presence of an accused person at a crime scene where the electronic monitoring device assigned to the accused is found at the crime scene.

Justice Turner referred to the case of *Clarence Smith v Regina SCCrim App 167 of 2015*, where the Court of Appeal upheld the decision of the trial judge to admit into evidence a video surveillance tape recorded by store cameras which was used in the

identification of the accused. The case is therefore binding precedent for the admissibility into evidence of video and electronic recordings where the requirements of the Evidence Act are met.

Justice Turner indicated that, one of controversies surrounding electronic recordings involves allegations of breaches of an individual's constitutional right to privacy as guaranteed by The Constitution of The Bahamas. His Lordship acknowledged that there have been cases in which an individual's fundamental right to privacy had been breached due to the unlawful means or manner in which the information was obtained. As a result of such breach, Justice Turner indicated that the courts had refused to admit the electronic recordings into evidence. On the other hand, he noted that there are instances in which a police officer can obtain access to an individual's private phone call with another, by obtaining a Court Order upon making a proper application to a Judge of the Supreme Court.

It was clear from Justice Turner's presentation that electronic recordings can provide real and cogent evidence useful in the determination of cases whether it be for example video camera recordings used for identification of an accused



Senior Justice Mr. Bernard Turner

in criminal proceedings or computer records disclosing financial information in civil cases involving banks.

Justice Turner’s presentation reminded us of the importance of not merely asserting but also proving our client’s case. While electronic and digital recordings provide real evidence it is also important in building our case to ensure that the relevant laws and rules of evidence are adhered to ensure that our case does not fall apart due to the recordings being ruled inadmissible.

Virtual Proceedings, Quarantine and Ethics - Ava Laroda

Deputy Registrar of the Supreme Court, Mr. Renaldo Toote led an enlightening and informative discussion on how the Covid-19 pandemic transported professional legal services into the digital era, resulting in digitized court services and virtual hearings. A 2013 graduate of the Eugene Dupuch Law School, Mr. Toote noted that prior to the Covid-19 pandemic, the Judiciary had already made progressive strides towards digitizing certain court applications and processes such as its bail management system, its court automated payments services, and its digital court



Renaldo Toote, Deputy Registrar

recording system.


Since March 2020, the Judiciary has published 16 Covid-19 protocols to, *inter alia*, regulate virtual conduct of the bench and bar and provide guidelines on remote hearings.

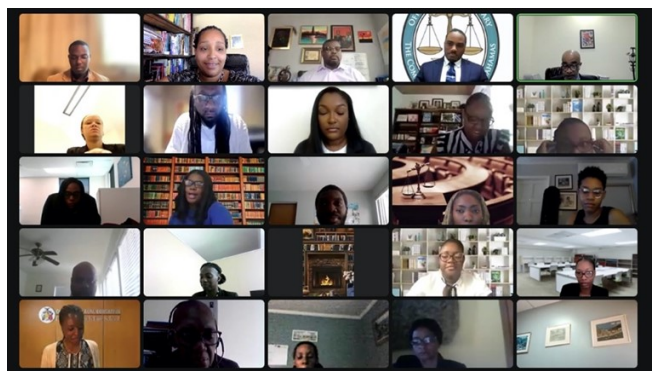
According to Mr. Toote, there has been a 30% increase in civil Supreme Court hearings from 2020-2021 which is evidence that the use of

virtual platforms has made it easier to access justice. Mr. Toote also noted that although the judiciary has made an effort to become efficient and effective in wake of the Covid-19 pandemic, there have been challenges. Virtual platforms, by causing an increase in court hearings, have in turn increased pressures not only on judicial officers but on staff as well. Further, there have been challenges with poor internet connection, late electronic submissions, and inappropriate court decorum.

Finally, Mr. Toote expressed that a further, and significant, challenge is that the Office of the Registrar had been inundated with written notices raising the question of the constitutionality of virtual hearings on the ground that there is no legislation authorizing the same. Mr. Toote however cited the Privy Council decision in ***Attorney General of the Turks and Caicos Islands v Missick & Others [2020] UKPC 30*** in support of the position that virtual hearings were not unconstitutional.

Noting that since the Covid 19 pandemic there have been changes and that the judicial system has continued to evolve ever since, Mr. Toote concluded that, notwithstanding the attempt to become more efficient and effective in wake of the Covid-19 pandemic, there will still be issues as long as the bench and bar are not adherent to all protocols put in place by the Chief Justice.

These parting words serve as a strong reminder to practitioners and students especially those of us soon to be admitted to the Bar, that we must at all times conduct ourselves with professionalism, honour and integrity. 



Legal Education Week: “Access to Justice - The Civil Practitioner’s Role”

Barbara Ferguson, Year 2 Student

In the normal course, when one considers the subject ‘Access to Justice’, there is a natural tendency to focus on the vast number of persons who fail to seek legal remedies due to the high or prohibitive costs of retaining an attorney. However, legal representation does not automatically guarantee one actual access to justice. The sad reality is that there are numerous cases where, despite the engagement of professionally trained legal practitioners, clients are left wanting for justice and with a recourse or remedy in the litigation matter commenced.

The stunning revelation of this true to life reality was discussed by Mrs. Krystal Rolle, Q.C. as a pretext to what, in my opinion, was the principal message, namely *‘striving for excellence in all that we do’*.

Mrs. Rolle Q.C. gave a brief account of two cases involving infants which demonstrated the failure of trained legal practitioners to execute their duties and responsibilities competently and effectively, resulting in the negligent delivery of services and the overwhelming lack

of justice to their respective clients.

The examples discussed by Mrs. Rolle Q.C. revealed that access to justice could ultimately be denied due to the failures and shortcomings of the civil practitioner for example the failure to initiate actions on behalf of the client before the expiry of the statutorily prescribed limitation period; the failure to properly prepare and present the pleadings and reliefs sought by the client; and the failure to gather and present the evidence in support of the client’s case such as the services of necessary expert witnesses.

To the casual onlooker, the outcome of both cases could cast a dismal view not just on the civil practitioners involved but on the justice system as a whole. To others, the outcome of cases such as these may instil reluctance or even fear of investing precious time or risking scarce resources in what may be an elusive pursuit of justice.

However, what the cases do highlight is that the outcomes could have been different. The litigants could have had ‘their day in court’ had



Presentation by Attorney Mrs. Krystal Rolle, Q.C.

the civil practitioners involved properly understood their roles as advocates as well as the relevant laws and rules such as the Limitation Act, the Rules of the Supreme Court and the rules of Evidence.

From my perspective, Counsel in both cases also failed to adhere to some requirements of The Bar (Code of Professional Conduct) Regulations which attorneys should use as a guide to the ethical execution of their duties and expected behavior. To cite those in my direct contemplation, there was an obvious overall breach of Rule 2 (Competence).

“The attorney must perform all the work and services which he undertakes on behalf of his client in a competent manner, providing a quality of service at least equal to that which attorneys generally would expect of a competent attorney in a like situation.”

It is also my view that the attorneys were also in breach of Rule III (10) (Advising Clients)

“The attorney must be both candid and honest when advising his client, acting in the discharge of his responsibilities with the utmost good faith.

(10) – *“The duty to give honest and candid advice requires the attorney to inform the client promptly when the attorney*

discovers that a mistake, which may be damaging to the client and which cannot readily be rectified has been made in connection with a matter for which he is responsible....”

Necessary Actions to Improve the Delivery of Justice

In the words of Mrs. Rolle Q.C., *“it starts with us raising the bar”*. With the onset of the new Civil Procedures Rules sought to be introduced by the summer of 2022 jurists and prospective jurists should take advantage of the training opportunities now being and to be delivered. We must strive to deliver all that we are required to do with excellence. We are to assume our roles in the legal profession with humility and tenacity. This requires a dedication to the time required to learn the new Rules to a very high level of competence. We must know and understand the laws and procedures. Of utmost importance is a good knowledge and understanding of the law of Evidence.

The concept of ‘justice’ must not only be limited to whether or not it is accessible to those with financial resources. Justice must also be delivered with excellence to all persons, absent any form of discrimination or limitation thereby *raising the bar* for the practice of law in the region. 🇧🇸



Legal Education Week: Let's Get Fit with FITT

Nioshi Ferguson, Year 1 Student

In our daily endeavour to attain our academic and professional goals, we can often overlook the need for proper maintenance of our physical and mental well-being and neglect daily exercise, adequate sleep, and meditation. This is especially true for law students who frequently find themselves conducting late night research in preparation for tutorials, assignments, or class discussions. For most law students, 4-5 hours of sleep per night is a luxury and a simple 30-minute walk down the street is an unattainable want. Unfortunately, these constant omissions can leave us feeling irritable and severely fatigued, both mentally and physically. Eventually, this will affect the way we perform in class and how we complete our assignments. Therefore, it is crucial that we remember to nurture our physical and mental health to ensure that we are always performing to the best of our abilities.

During Legal Education Week, the law students of Eugene Dupuch Law School listened to various knowledgeable speakers on a myriad of topics, both law-related and non-law related. One such session dubbed *"Let's Get Fit"*, focused on the significance of nurturing a healthy mind and a healthy body. This session was led by Mr. Nardo Dean, a fitness expert with extensive experience in physical training. His discussion was centered on the concept of striking a balance if we intend to start an active lifestyle. This balance must be struck between three aspects in our life, which are the physical, the mental, and the spiritual.

Before starting our fitness journey, Mr. Dean recommended consulting with our primary physician on our body's suitability to participate in any physical activity. Any physical or medical limitations should be considered when designing our fitness plan. This fitness plan should be feasible, with realistically achievable

goals. He recommended becoming aware of our current physical status, such as our body mass index, (BMI), and body type to assist in constructing these goals. The plan should also include a deadline, outlining what we hope to have achieved by a certain time for example, losing 25 pounds or two dress sizes within six months.

Mr. Dean then continued his discussion by providing simple tips that would ensure success in achieving our fitness goals. These tips were given using the acronym **FITT**. The first letter, **F**, stands for **frequency**. He advised that we must exercise, at minimum, 3 to 4 times per week, at 30–60-minute intervals, depending on the type of exercise. This is considered reasonable for someone starting a fitness lifestyle. Maintaining a reasonable frequency is crucial because it can motivate us to be consistent and committed to our fitness plan. It is not uncommon to witness an overzealous beginner, who once jogged every morning at the beginning of their fitness program, eventually become demotivated and unwilling to exert the same energy they once did. As a result, the daily morning jogs soon turn into sporadic, spiritless walks.

The second letter, **I**, stands for **intensity**. Nothing is more disadvantageous to a fitness plan than training without intensity. While a simple leisurely walk has its benefits, it may not be conducive to the fitness plan that we have constructed. Sometimes, higher intensity is required to achieve our goals. This means our programme should consist of exercises that force us to exert more energy, which means we will burn more calories than we normally would on a leisurely stroll. Moreover, a high intensity



workout has been found to increase physical strength and endurance.

The third letter, **T**, stands for **time** which indicates the length of time we are involved in the fitness programme and the time of the day we exercise. The time we dedicate to a workout should depend on our current lifestyle. For instance, a person with a busier lifestyle may not possess the same amount of time to dedicate to their fitness programme as someone whose lifestyle is considered dormant. Further, a person who is more energetic in the morning would find it more suitable to complete their workouts in the mornings, rather than the evenings. On the other hand, a person, who usually has more expendable time in the evenings may prefer evening workouts. Therefore, Mr. Dean recommended constructing our fitness programme to suit our current lifestyle to better maximize the time we can afford to dedicate to the programme.

The final letter of the acronym, **T**, stands for the **type of workout** we perform. Often, we find ourselves engaging in exercises that we do not find enjoyable, nor favourable to our fitness plan. As a result, we are left feeling dissatisfied and lacking the zeal to continue our programme. Mr. Dean recommended choosing workouts that are suitable to our wants and needs. The workouts should also be appropriate for our physical capabilities. A person, who suffers from knee problems due to a prior injury, should not be performing the same workout as another who does not have the same physical limitations.

In conjunction with constructing a proper fitness plan with suitable workouts, our diet also plays a key factor in achieving our goals. We often find ourselves falling victim to the 'fad' or 'crash' diet phenomenon that promises quick weight loss within a short amount of time. However, they are not sustainable. After we complete the diet, we resort to our regular patterns of consumption and, ultimately, any progress is lost. Therefore, cultivating a balanced diet will prove more worthwhile and

sustainable in the long run. Mr. Dean recommended keeping the carbohydrates and sugar intake at a minimum. That means **saying no** to that extra slice of cake at a family member's birthday party or substituting that Coca Cola with water during lunch. Our meals should consist primarily of greens, proteins, and healthy fats. Further, drinking lots of water is crucial to remaining adequately hydrated.

In addition to providing tips on how to better our physical form, Mr. Dean also offered advice on refining and developing our mental state, that is, our **mindset**. He mentioned that, often, our willpower is the definitive factor that will assist in achieving our fitness goals. Sometimes, during our fitness journey, we may become demotivated making our goals seem unattainable. Demotivating factors can be our own physical limitations, such as injuries or disfigurement. It can also be negative remarks made by family members or friends. However, having a formidable mindset can power us through and give us the final push we need to achieve our goals. According to Mr. Dean, a strong mindset can be developed by attaining knowledge through simple tasks such as reading and research. Educating ourselves about the different types of training and the advantages of executing certain exercises can increase our confidence in our fitness plan. Knowledge can also be acquired from receiving proper training from our fitness coaches, who can provide insight and feedback during our fitness journey.

Finally, Mr. Dean touched on how developing our **spirituality** can positively affect our fitness lifestyle. He stated that remaining grounded in our spirituality can help us to remain motivated in our fitness goals. When our energy is low or we are dispassionate about our journey, reciting scripture on the topic of strength can provide us with the energy we need to persevere.

Mr. Dean's session was just what was needed to remind us of the importance of making the time to take care of our minds and our bodies....**SO LET'S GET FIT!!!** 🏋️

Legal Education Week: Maintaining a Modern Law Practice: Breaking out of Comfort Zones and Old School Methods

Tamara A.C. Pinder, Year 1 Student

Continuing the events of Legal Education Week 2022, bright and early Tuesday morning at 9 am attendees were graced with the presence of Ms. Glenda Roker, Attorney-at-Law, who spoke to us on “*Maintaining a modern law practice: Breaking out of comfort zones and old school methods*”. Ms. Roker is an EDLS Alumna and was called to the Bar in 2013.

Ms. Roker began by reflecting on how the COVID-19 pandemic was the main force that pushed law practices out of their old school methods and into modern day law practices. Ms. Roker described aspects of the post-pandemic changes made by law practices as either “*Beauty*” or “*Pain*”.

Ms. Roker expounded on the “*Beauty*” of remote access which reshaped our normative work culture beyond the physicalities by embracing the flexibilities of working remotely, whether from home or elsewhere, such as e-conferences with clients and emailing various documents to the Court.

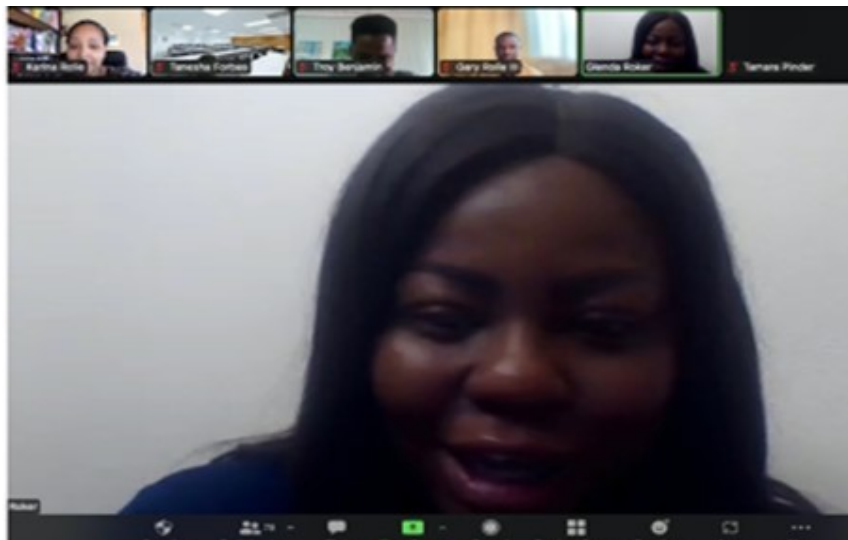
Additionally, the “*Beauty*” of this necessary shift to technology is that it resulted in many persons in the legal profession learning new IT skills. For Ms. Roker and many of her colleagues they had to educate themselves on how to manoeuvre through software such as

Microsoft Teams, Google Meet and Zoom. Ms. Roker recalled a matter that was before the Supreme Court two days after the COVID-19 Emergency Orders were first imposed. The presiding Justice sent the link to all the parties with the expectation that all parties would be in attendance with functioning equipment. She reminisced that the popular common telecommunication phrase “*Hello can you hear me?*”, which seemed awkward initially, and

would otherwise have had no place in a courtroom, was now a laughable and cherished memory.

Despite the many *beauties* of a modern technology-driven law practice, the *pains* can be

said to equally match the *beauties*. The greater accessibility that technology affords can also lead to expectations of constant and immediate accessibility and the blurring of the work-life and personal life boundaries by not only clients and others. Ms. Roker reflected on the many times clients forgot the meaning of “*boundaries*” and had the expectation that their matter was the only thing of immediate importance. However, Ms. Roker firmly stated that although attorneys may now be more accessible, it is important to “*set boundaries for yourself and be respectful with it*”. Ms. Roker also dreaded the delay and the built-up



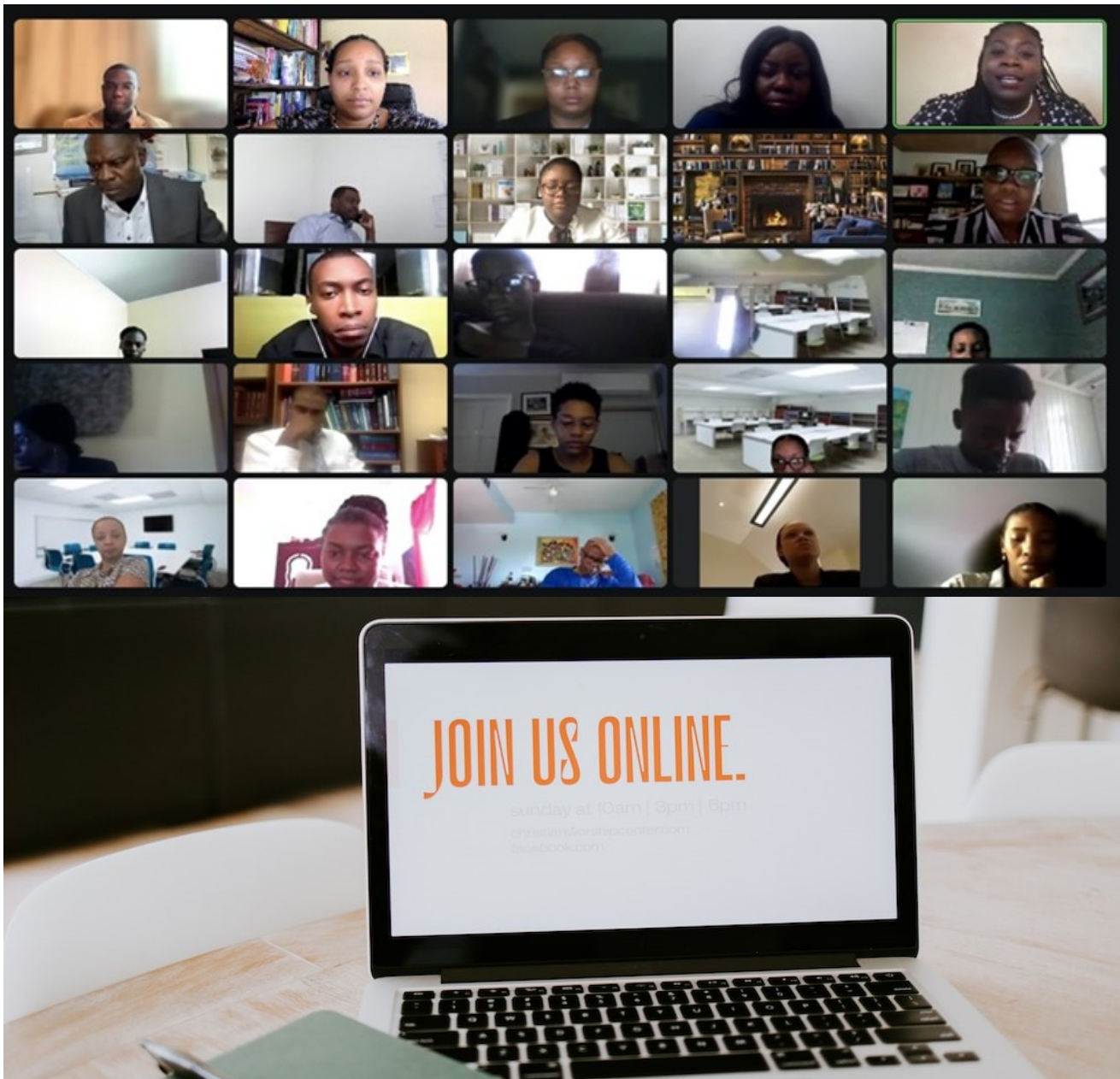
Ms. Glenda Roker

frustration due to people ignoring emails and calls or delayed responses that affected time-sensitive matters.

Ms. Roker's presentation was engaging and informative. Her insights on the *beauties* and *pains* of practicing in the new technologically driven legal landscape was undoubtedly helpful to our group of aspiring lawyers with upcoming plans of either in-service training or pupillage. Ms. Roker encouraged EDLS students to uphold our integrity and left us with this charge, "Never cut down what you think you are worth just to get a client". 🏛️



Ms. Cyd Ferguson



Re-imagining law after COVID-19 Highlights of the Eugene Dupuch Distinguished Lecture 2022

Rayshon Deleveaux, Year 2 Student

On March 25, 2022, the students and staff of the Eugene Dupuch Law School as well as many other attendees had the privilege of joining a virtual lecture given by Professor Rose-Marie Belle Antoine. Professor Antoine is a renowned University of the West Indies (UWI) alumna, and an Oxford and Cambridge University scholar. An attorney and eminent jurist, Professor Antoine has worn a plethora of hats. Just to name a few, Professor Antoine currently sits as a Pro-Vice Chancellor of the Board of Graduate Studies and Research at UWI and served as the Dean of Law at the University of the West Indies, St. Augustine's campus. A few months after giving the Distinguished Lecture, on August 1, 2022, Professor Antoine took office as the new Principal of the University of the West Indies St. Augustine campus. Professor Antoine's very enlightening and informative presentation was on the topic "Re-Imagining Law After COVID-19".

At the beginning of her eye-opening lecture, Professor Antoine hammered home the point that as the world and the societies within it progress, so should the laws. The laws and regulations that make up the norms of each society should be able to withstand the shock of any changes in the world and be able to adapt and provide solutions to new and unique problems. Professor Antoine's presentation made it clear that there are risks to developing laws in extremely narrow and inflexible prisms



that are too disconnected from the true needs of society. The law must recover and fulfill its inherent mission of not just addressing social difficulties, but also providing a solution for them.

The COVID-19 pandemic tested legislators all around the world, imploring and challenging them to rethink the current laws and policies in a variety of sectors. Professor Antoine asserted that some of the legal disciplines that were directly affected by the ongoing pandemic were Labour law, Health law, and Human Rights law.

Labour Law

When it comes to re-imagining labour and employment laws, Professor Antoine's expressed the view that presently "*the contract model for defining employment is inadequate to capture effectively the world of work and its complex relationships*". The outbreak of the pandemic exacerbated some of these inadequacies and provided even more reasons to question the very restrictive contractual basis of employment and labour relationships. With the start of the pandemic, legislators around the world witnessed firsthand why laws must be

re-imagined and changed.

Professor Antoine eloquently expressed that the COVID-19 pandemic rendered our labour rights framework quite vulnerable. The pandemic undoubtedly uncovered concerns regarding job security for employees, an employee's right to work, along with other pressing issues such as employees' health and the provision of a safe work environment. Furthermore, the pandemic also exposed how laws and regulations, thought to be carefully crafted, addressing areas such as the employer's responsibility to supply employment and to pay workers salaries or wages were rendered weak in the onslaught of the pandemic. Employers and employees alike were left confused as to the relevant laws and legal norms that should apply.

Professor Antoine suggested that in order for labour laws to be fully and successfully re-imagined changes should only be formulated within a rights-based framework and not a framework based on contract. This is due to the fact that the existing contract-based structures are unfit for use in pandemics, disasters, and crises when we must prioritize the vulnerable while also maintaining rights and equality.

The lecture highlighted other reasons why labour laws are in desperate need of re-imagining. During the height of the pandemic many employers faced issues such as whether they should be responsible for payment of salary to workers who were unable to report to work due to the COVID-19 restrictions; or whether an employee's absence from work as a result of COVID-19 amounted to reasonable grounds for termination. These issues arose because the labour and employment laws do not set out clearly enough the obligations of an employer in circumstances such as the pandemic.

The pandemic thus revealed that our legal structure was deficient. As a result of this deficiency, many employers were driven to dismiss their employees rather than employ less invasive techniques such as wage-sharing,

limiting employees' work hours, or placing employees on mandatory leave. Professor Antoine stated that to accommodate and mitigate the precarious circumstances brought about by the inequities of labour we must reinvent our legal policy frameworks. There should be more long-term solutions. Therefore, in addition to minimizing employment uncertainty, suitable social welfare provisions should be made. The legislation should be rewritten to include clauses that safeguard ordinary workers from any illegal action by their employers during a pandemic or disaster.

Health and Human Rights Laws

In her address, Professor Antoine further highlighted that the pandemic also revealed that the health and safety laws within our societies were not as strong as we perceived them to be. She commented that the laws in place regarding health and safety without a doubt left gaps at both the common law and statute levels. As a result of this, several challenges and questions about employees' rights arose. Some frequently asked questions were whether employees could refuse to attend work due to the threats that arise by simply travelling to work; whether an employee could refuse to work alongside an unvaccinated employee; and whether the employer would be responsible to pay for mandatory testing if a worker refuses to take the vaccine. Professor Antoine pointed out that these questions were just a few of many unanswered questions that emerged due to the gaps left by the laws surrounding that of health and safety.

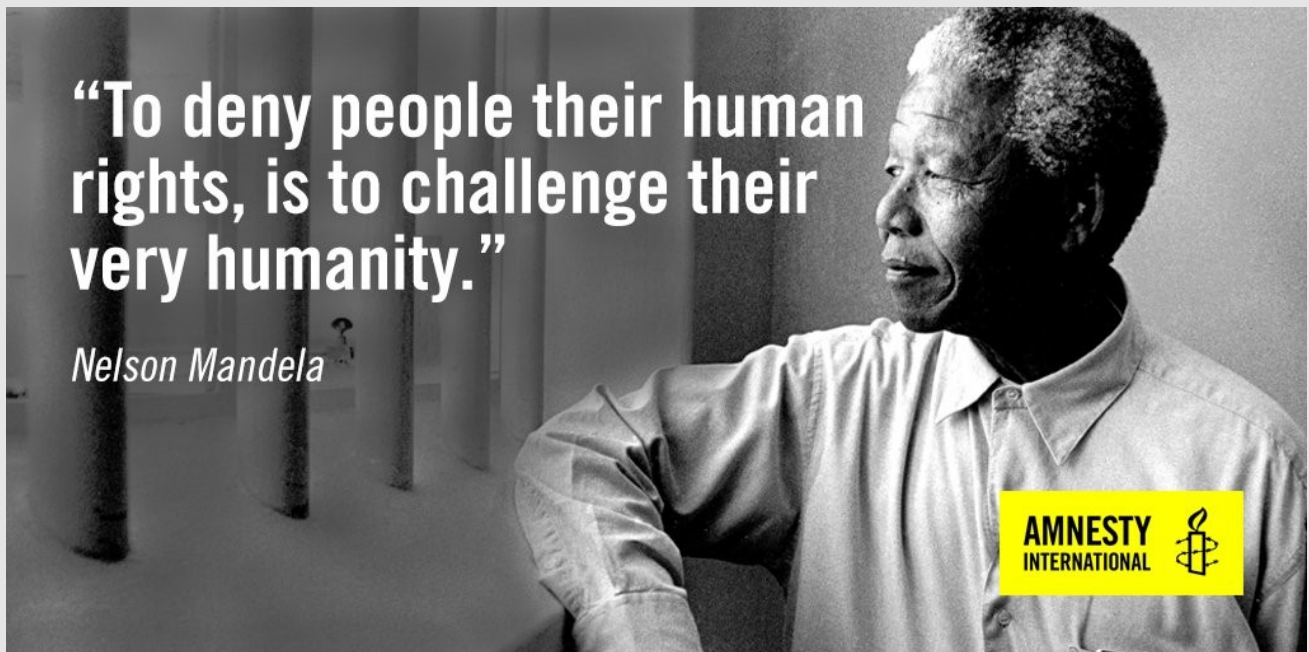
Yet the most dramatic tensions in the COVID-19 setting were shown in the field of human rights. Professor Antoine pointed out that within the discipline of human rights serious questions emerged regarding the legality of the states of emergencies and other laws imposing public restrictions, border lockdowns, mandatory curfews and mandatory vaccines. Questions of illegality of the laws arose due to their extent of curtailment of fundamental human rights such as the right to freedom of movement and

privacy.

Conclusion

After listening and digesting the compelling words of Professor Antoine, it is clear that it is not enough to apply rules and laws mechanically without responding to the real situations in people's lives. It is not enough simply to have the rights on a piece of paper, but we must ensure that they are enacted and enforced to give equal protection to all individuals no matter the situation and climate. With any pandemic or natural disaster we have to look below the surface to identify and address the resultant disproportionate impacts on persons. We cannot become complacent or develop an ideology that our current laws are perfect. It is up to us to re-imagine our laws so that they can properly serve their intended purpose of protecting everyone especially the vulnerable in our society in all circumstances.

To view the Eugene Dupuch Distinguished Lecture 2022 please visit our YouTube channel at <https://www.youtube.com/watch?v=JIVHAMCLS9E> 



EDLSSA Reaches Out!

Diana Ferreira, Year 1 Student

Community service builds character and social awareness, and allows people to connect to their communities. As aspiring attorneys, it is crucial to be well-rounded and community-minded. Naturally, over the past academic year, the EDLSSA made it a priority to reach out and give back through various community service projects!

The first community service project the EDLSSA took part in was “Operation: Gobble Gobble”, a collaboration with the Rotary Club of South Ocean, the Rotary Club of East Nassau, the Rotaract Club of East Nassau and the Genesis Warhawks Junkanoo Group. On Saturday November 27, 2021, the Eugene Dupuch Law School (EDLS) students joined other volunteers to package and distribute Thanksgiving meals to residents of the Kemp Road Community. The participation of the EDLSSA in Operation: Gobble Gobble was facilitated by the Director of the Legal Aid Clinic, Mrs. Nicole Sutherland King.



Shortly thereafter, EDLS staff and students came together to make the Christmas of the children at the Nazareth Centre Children's Home a little brighter through the Secret Santa project. It was truly a pleasure for the EDLSSA to present the Administrator of the home, Ms. Elizabeth Mackey with not just one gift, but two gifts for each child at the home! The gifts were presented on December 23, 2021 and

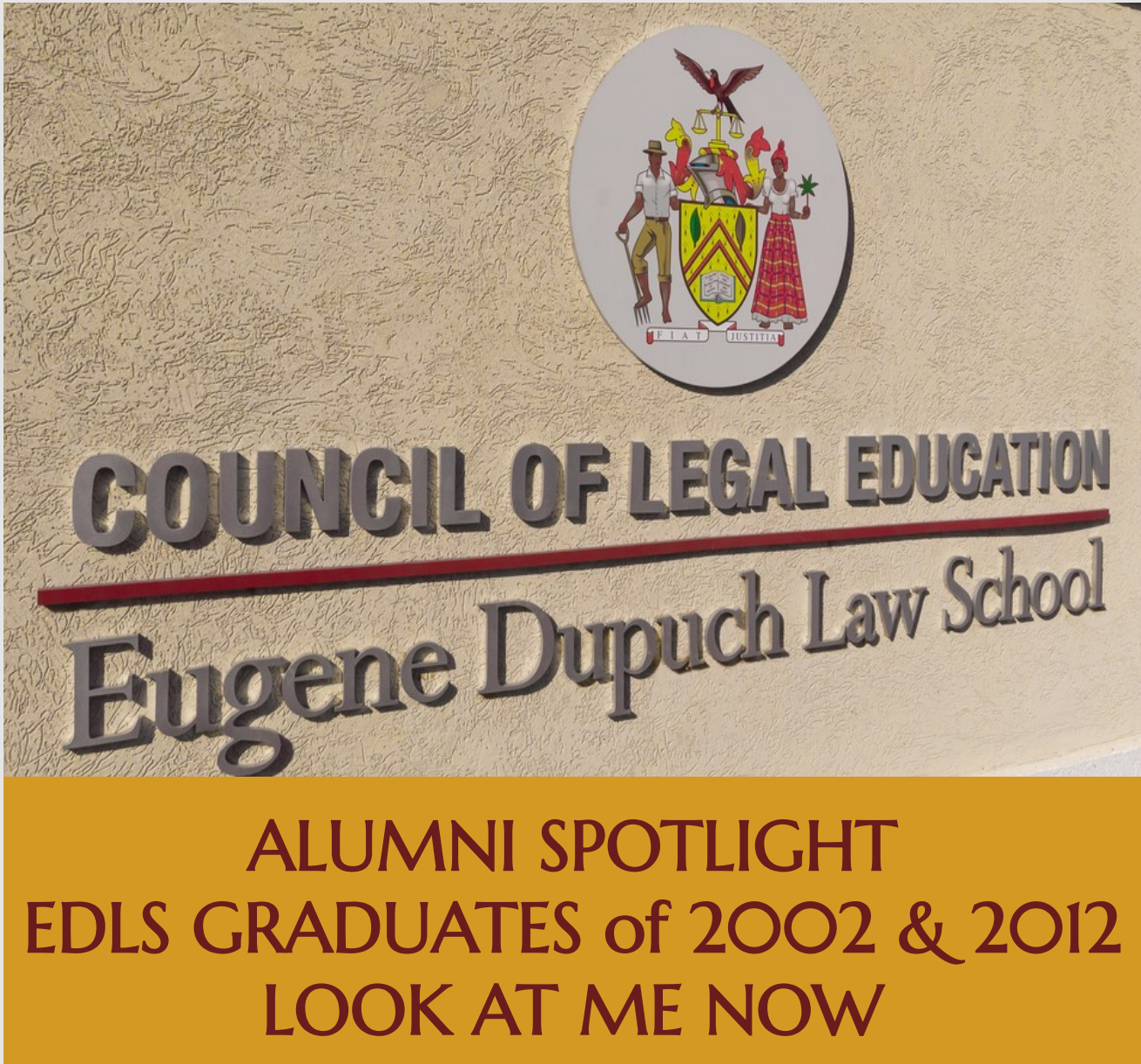


made their way under the Christmas tree, just in time for Christmas.

The EDLSSA's final community service outreach was another collaboration with the Rotary Club and Rotaract Club of South East Nassau. This event took place during on Saturday February 26, 2022 during Legal Education Week. Students got the chance to serve breakfast to the community at the Potter's Cay Dock as well as distribute care packages. The smiles of gratitude made the experience all worth it.

It was a humbling experience for all who took part in the community service projects. It can only be hoped that more students get involved in community service next year. 🙏





From its inception in 1998, the Eugene Dupuch Law School (EDLS) has been known for its high standards and thorough style of training which has shaped some of the best attorneys this world has ever seen. Forming part of the Council of Legal Education, EDLS is one of the leading law schools in the Caribbean. Extending from luminous politicians to well-versed Judges and Registrars, EDLS has prided itself on developing competent and ethical legal practitioners. We take a look back at our graduates of 2002 and 2012 and reminisce with a few of them on their passing through the halls of EDLS. They can proudly say “Look at me now!”. 🇧🇧

GRADUATING CLASS OF



Stacey Bourne

Karen Brown

Michael Cole

Ancella Evans-Williams

Laverne Michelle Fox

Wesley Hamilton

Romeo Ramsey

Alicia Reid

Dawne Richardson

Jamal Smith

Edmund Turner

2002



Edmund Turner—Deputy Registrar of the Supreme Court of the Commonwealth of The Bahamas since 1 January 2018

Since leaving EDLS, what have you been up to?

I have been

- ◆ Trying to do the best I can on the job I have currently;
- ◆ Trying my best to stay as healthy as possible;
- ◆ Meeting with some graduates on a regular basis to encourage one another.

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

Patience, and the ability to research relentlessly until the desired standard of achievement is reached.

What are your hobbies/ special interests that keep you grounded?

My hobbies include duck hunting, and exercise in general to keep my body as fit as possible.

In one word, how would you describe your experience at EDLS?

Voluminous - considering the vast expanse of material one is faced with in seeking to obtain the Legal Education Certificate.

What was your number one hack that got you through Bar School?

'Stick with it.'

What is the one thing you wish you had known or done during Bar School?

I wish that I had gotten more exposure with working with senior, 'seasoned', legal practitioners to develop as many bonds as possible with persons who could have offered guidance and legal advice later on in my career.

What is your favourite legal quote? Why?

"Don't mind what people/individuals say, you watch what they do, it will tell you a lot." This is my favourite quote because in the legal profession there are many who want nothing to do with you unless they can use you for their personal benefit.

What 3 tips would you give a student enrolled at the EDLS?

I would advise any student at Eugene Dupuch Law School to:

- ◆ Study hard;
- ◆ Have fun; and
- ◆ Make the most out of networking with others.

As a senior attorney, what advice would you give a junior attorney?

I would advise all junior attorneys to:

- ◆ Practice law by the rules;
- ◆ Have fun; and
- ◆ Be 'HARD' in the practice of law.

In which area of law do you believe that reform is necessary?

Reform is necessary in Criminal Litigation. The question is how successful is the jury system within The Bahamas, that is, trial by one's peers pursuant to the Constitution. My view is that Jury Trials ought to be abolished as they are costly, and easily manipulated by a crafty accused or defence counsel. 🙄

A conversation with Mrs. Carla Card-Stubbs

Diana Ferreira - Year 1 Student

Recently, I had the pleasure of speaking with Tutor, Mrs. Carla Card-Stubbs who leaves the Eugene Dupuch Law School (EDLS) at the end of August 2022 to explore new horizons. This time the shoe was on the other foot as I was the one asking the questions to learn more about this tutor who is not only held in high regard professionally but also deeply respected by the many students who have had the opportunity to benefit from her sharp wit and extensive knowledge.

When did you join EDLS? Mrs. Card-Stubbs joined EDLS in January 2003, which means she has spent 19 years at the Law School!

Where did you work prior to EDLS? When Mrs. Card-Stubbs joined EDLS she brought with her the knowledge and experience gained as a practitioner with several years of experience in the legal public service in several Caribbean jurisdictions. She previously worked as Senior Crown Counsel in the Attorney General's Chambers of the British Virgin Islands, Tortola. She has also served in the



capacity of Deputy Registrar for the Supreme Court and Acting Magistrate for the British Virgin Islands and the Turks and Caicos Islands. She was also a Crown Counsel and Deputy Assistant Registrar in Jamaica.

What led you to teach? Mrs. Card-Stubbs had planned to make the transition from public practice to private practice. She believed that teaching at the Law School would be helpful in her transition and had initially intended to teach for a year or two but while at the Law School, she fell in love with teaching and her passion for enriching students' lives grew.

Where did you go to school? Mrs. Card-Stubbs obtained her Bachelor of Laws from the University of the West Indies (Cave Hill campus). She then attended the Norman Manley Law School where she received

her Legal Education Certificate. She has also received a Masters Degree in International Business law from the University of Liverpool.

What are all the subjects that you have taught while at EDLS? When Mrs. Card-Stubbs first started teaching at EDLS, she taught the Law of Remedies. Since then, she has taught numerous subjects including, Trial Advocacy, Law of Evidence, Probate Practice and Procedure (formerly Law of Succession), Landlord and Tenant and the Dispute Resolution/ADR Clinic. Mrs. Card-Stubbs is currently the Course Director for Probate Practice and Procedure and Trial Advocacy (Year 1) and the Associate Tutor for the

Law of Remedies.

Which subject was your favourite to teach? Mrs. Card-Stubbs says that her favourite subject to teach was whatever she was teaching at the time. However, if she was forced to choose, it would be the Law of Remedies, which has a special place in her heart, since that is what she originally joined the Law School to teach.

What fond memories do you have with students that you will take away? After spending 19 years teaching at the Law School, it was understandably hard for Mrs. Card-Stubbs to pick a hand full of memories. However, she enjoyed bonding with her students, whether that be in group as a class, individually or on moot trips. She fondly remembers an occasion where one student volunteered to clean her car and was brought to tears by students who brought a birthday cake to school to celebrate her birthday. Ultimately, her most treasured moments with students was witnessing them have their “light bulb” moments, as she called them - the little moments where a concept or idea finally makes it out the maze of confusion and makes sense. That feeling of fulfillment as a teacher is the fondest memory she will take away.

What do you hope your students will take away from you? Mrs. Card-Stubbs hopes that all of her students carry a spirit of curiosity with them throughout their lives and will always be willing to learn and embrace the challenge to understand what may seem difficult at first.

Which moot was your favourite moot? While teaching at the Law School, Mrs. Card-Stubbs was asked to coach numerous teams for various moot competitions. This also developed into a passion of hers. She has fond memories of coaching for the American Caribbean Law Initiative Clinic and Margaret Forte Moots. However, her favourite moot to coach was the Caribbean Court of Justice (CCJ) Moot. The CCJ Moot was her favourite because it allowed the opportunity to help judges establish jurisprudence in future judgements of the CCJ.

Tell us about Dis We Bar Over the years, Mrs. Card-Stubbs has contributed a massive amount of

time and energy into “Dis We Bar”, the Law School’s annual production. The production included singing, dancing and skits. Mrs. Card-Stubbs is a woman of many talents and volunteered skits that she wrote herself to be used in the production. The skits usually touched on social and topical issues. Additionally, she acted as director throughout the years, organising practice schedules and orchestrating the production to a stage-worthy performance.

Mrs. Card-Stubbs devotion to the Eugene Dupuch Law School over the years cannot be denied. She went above and beyond to invest in her students and give back to the Law School. Her departure from teaching will be a loss for the Law School. She will truly be missed! 🙏



2015 CCJ Mooting Champions

Two Students' Journey through the Commercial and Financial Services Law Clinic

Tamara Pinder - Year 1 Student and Tammie Knowles—Year 2 Student

Tamara Pinder

Inspired by a top firm in The Bahamas, I grew a passion for Corporate and Commercial Law. Thus, before stepping into the Eugene Dupuch Law School (EDLS), I decided to make it my mission to join the Commercial and Financial Services Law Clinic (the Clinic). To no surprise this mission was successfully accomplished. Mr. Darron Ellis, Tutor at EDLS and Supervisor of the Clinic, creatively provided the students with not only knowledge on commercial law and financial services but also golden nuggets that would aid in navigating the complexity of the legal profession. The Clinic provided virtual and hands-on experience through various classes, seminars, article writing, and mootings.

During the seminars, the students had the privilege of interacting with Mr. Keenan Johnson, Attorney at CitiBank (Bahamas), who spoke on life as an in-house counsel. During Mr. Johnson's presentation he enlightened us on the pros and cons of being an in-house counsel. He also encouraged



The reigning Champions of the 2022 STEP Moot Competition., Team Higgs & Johnson

L-R: Sharmon Ingraham (Partner of H&J), Tamara Pinder (Year 1 Student), Gary Rolle III (Year 2 Student), Mirelle Mondelus (Year 2 Student), Jonathan Deal (Associate H&J).

the students to stand out by enrolling in courses and obtaining certifications and qualifications such as the Society of Trust and Estate Practitioners (STEP) certificate. We also had the privilege of hearing from Mrs. Constance Delancy, Registrar of the Supreme Court, who presented on her role as the Registrar and the various functions of the Registries. A very interesting seminar involved Mr. Kevin Demeritte, (External Relations Officer, Central Bank of The Bahamas), Mr. Demeritte enlightened us as to the function and inner workings of the Central Bank and its relations with institutions like the Financial

Intelligence Unit. We also had the esteem pleasure of interacting with Hon. Mr. Justice Andrew Forbes, Justice of the Supreme Court, and Mr. Kahlil Parker, Q.C., President of The Bahamas Bar Association who equally spoke on the topic "Misuse of Client's Funds". Aside from meeting reputable professionals in the legal arena, it was the invaluable wealth of the knowledge that made the seminars most memorable to me.

Last, but certainly not the least, was the prestigious annual STEP Moot. I was very grateful to be selected as a

member of one of the moot teams for this year's moot. The STEP Moot is a moot competition where students of the Clinic are given the opportunity to display their advocacy, research and debating skills on matters regarding Trust and Estate Planning. This year's question written by Mr. Sean McWeeny, Q.C., centered on a trust law question concerning the legitimacy of the transfer of land by deed of gift to avoid creditors.

The students of this year's Moot were guided by the firms Higgs and Johnson, the defending champions, and Ginton, Sweeting, O'Brien, the challenger. My team which consisted of Mirelle Mondelus and Gary Rolle III, represented the undefeated champions. Talk about pressure! During the three months, we had the privilege of working together with knowledgeable attorneys who adopted us and treated us like associates. They not only took time out of their schedules to provide numerous crash courses on law to myself and my colleagues but also provided us with golden nuggets for life. From January to March we undertook three months of intense preparation and practice to be ready for the Moot.

On 25 March 2022, at 1 p.m., the Moot was held

before Judges Sir Michael Barnett, Kt., President of the Court of Appeal, the Hon. Madam Justice G. Diane Stewart, Justice of the Supreme Court, and Sir Burton Hall, former Judge of the United Nations Residual Mechanism for Criminal Tribunals and numerous friends, families and other attorneys. Talk about pressure! Nonetheless, in the end, team Higgs and Johnson secured the title one more time.

The hard work of both teams paid off as we represented EDLS, the firms, and ourselves exceptionally. Judging by the judges' score sheets it was evident that despite the nervousness and butterflies, the judges were impressed by our oral and written advocacy skills. It is my firm belief that this experience was not only novel but invaluable and will be cherished by myself and the other participating students.

Thanks to this Clinic, my colleagues and I endured an experience we will never forget.

Tammie Knowles

At the risk of sounding cliché, I can genuinely say that my experience as a member of the Clinic has been incredible. At the onset, the Clinic's instructor, Mr. Darron Ellis, who is also a Tutor at EDLS, immediately exposed the members of the Clinic to the financial world. We had numerous seminars with prominent members of the Financial Industry who all imparted a wealth of knowledge relative to the Financial Industry and current financial affairs of The Bahamas. At each seminar offered, all members of the Clinic were encouraged to ask questions



Front L-R: Tamara Pinder (Year 1 Student), Mirelle Mondelus (Year 2 Student),
Back L-R: Jonathan Deal (Associate H&J), Gary Rolle III (Year 2 Student)



Team Ginton, Sweeting, O'Brien

Front: L-R: Tammie Knowles (Year 2 Student), Troy Benjamin (Computer, Year 1 Student), Nastassia Rigby (Year 1 Student),
Second: L-R: Jamie Taylor (Legal Administrator GSO), Giahna Soles-Hunt (Partner GSO), Glen Curry (Associate GSO),
Yolande Julien (Partner GSO), Andrew O'Brien (Partner GSO)

Back: Bryan Ginton (Partner GSO)

to which each and every presenter was eager to answer. Every seminar presented to the Clinic was informative and intriguing. There was never a mundane moment. Every member of the Clinic can truly say that they gained immense legal and financial knowledge from each seminar.

While I found the seminars to be enlightening and immeasurably beneficial, I must say that my participation in the STEP Moot was the most memorable experience for me personally throughout my time in the Clinic. Mr. Ellis encouraged those students that were shy or timid to

speak and to be the ones to participate in the STEP Moot. The advice given to us by Mr. Ellis was very sound. Three things I vividly remember him saying: *"treat your time in the Moot as a job interview"*, *"have fun with it"* and *"don't be afraid to become a meme"*. The last word of advice was extremely hilarious at the time, but that stuck with me to the end (LOL). I was terrified. Every time I thought about speaking and being asked questions by the panel of Judges, I would panic and try to talk myself out of participating. Unlike most of my colleagues, I had never participated in a Moot, and I had very little experience with public speaking. I have always been the "behind the scenes"

person. However, joining the Moot was one of the best decisions I have made, apart from becoming a member of the Clinic.

While the STEP Moot was a "Moot", it was serious business. From the day of selection, right to the completion of the Moot. I was very privileged to be apart of the Ginton, Sweeting, O'Brien (GSO) team along with my colleagues Nastassia Rigby and Troy Benjamin. From the beginning Team GSO got to work! While we were not victorious in the overall competition, team GSO successfully won the Application on the part of our



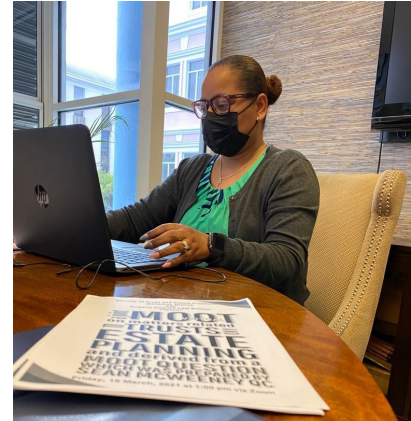
Nastassia Rigby (Year 1 Student)

client. That was a HUGE accomplishment that cannot be overlooked. We were chosen as “attorneys” to represent our client, and that we did to the very end! What a feeling! Our first feeling of victory as “attorneys”!

The Moot question was written by Mr. Sean McWeeney, Q.C., and was a very complex one, if I do say so myself. It took countless hours and sleepless nights of research and drafting. However, while the work was hard and the battle was rough, we made it because of the hands-on training we graciously received from knowledgeable attorneys who took time out of their busy schedules to guide us every step of the way. It would be remiss of me if I didn’t say that while guided, we were never spoon-fed. We were treated as practicing associates of the firm. We learned how to take apart a complex legal question and build our argument. We learned how to view the side of our client as well as the opposing side so that we would be able to vigorously advocate for and successfully defend our

client. We were drilled for hours on Court etiquette and possible questions the Court may throw at us. We fell down many times in practice but learned as “learned friends” to support our colleagues continually and to always know every aspect of our case as well as the opponent’s case.

My role in the Moot was to present the opening statements as well as the rebuttal arguments. As I said, I was terrified! However, because of the excellent training and support of GSO, my fear very swiftly morphed into courage and the need to defend our client. I can say that team GSO was adequately trained and prepared to defend our client. Apart from GSO’s training, the firm was very pleased with our performance thanks to all the Tutors of EDLS. Having an audience before three prestigious Judges was nerve-racking at the time. We were grateful to have been afforded the vigorous training that we received because in the end, team GSO was able to competently and excellently



Tammie Knowles (Year 2 Student)

answer each and every question put before us. Being a participant in the Clinic was truly a very rewarding experience that I have enjoyed. Like the advice Mr. Ellis gave to us, I treated the Moot as an interview and I am proud to say that I am now a Pupil at GSO.

My advice to my colleagues is that never allow fear or self-doubt to ruin opportunities. You are all being afforded top-notch education and training at the Eugene Dupuch Law School. Use it. Embrace it. Carry it with pride and be the best that EDLS is training you to be! 🙌



2022 STEP Moot Competition via Zoom



L-R Duranda Minus (Year 2 Student), Ebonesse Bain (Year 2 Student) Kevin Farrington (Director of the Criminal Law Specialist Clinic)

Domestic Violence - “What’s Love Got To Do With It?”

Reflections of the Criminal Law Specialist Clinic presentation to the Willie Mae Pratt Centre for Girls

Duranda Minus and Ebonesse Bain - Year 2 Students

For many years, Domestic Violence has plagued our nation. In recent years, particularly this year, there have been numerous cases of domestic violence that have attracted widespread local news coverage and public outrage. Two such cases were that of Heavenly Terveus and Carissa Culmer, two young mothers who

were victims of domestic violence and who tragically lost their lives.

In an effort to educate the public on the legal implications of domestic violence, on April 1, 2022, the Criminal Law Specialist Clinic partnered with New Dimension Ministries Church of God to give a presentation to a group of 7 young ladies currently residing at the Willie Mae Pratt Centre for Girls (“the Centre”), a female juvenile correctional and residential facility.

The theme of the presentation was “*What’s Love Got To Do With It?!*” The aim of the presentation was to inform the young ladies at the Centre about the various forms of domestic violence, the legal remedies available for victims such as protection orders and compensation orders, the legal ramifications for perpetrators when court orders are breached, and the duties of a police officer

when dealing with domestic violence matters.

Prior to the commencement of our presentation, devotions were conducted by the young ladies which consisted of a prayer and the passionate singing of "I AM A PROMISE".

I am a promise

I am a possibility ...

*I am a great big bundle of
potentiality...*

*I am trying to make the right
choice ...*

*I am a promise to be anything
God wants me to be!*

The powerful words of this self-affirming anthem connected well with the theme of our presentation. The words remind us of the importance of self-love, self-worth and self-respect and by extension the need to have love and respect for others. Acts of domestic violence are not acts of love.

At the start of the presentation, we invited the young ladies to ask questions as we presented, which they did. They were engaged and inquisitive. As we discussed the recent tragic deaths of Heavenly Terveus and Carissa Culmer, the young ladies informed us that they were familiar with the stories through the media. Moreover, as we discussed the various forms of domestic violence, we were impressed that the young ladies shared their own



Front: L-R: Duranda Minus (Year 2 Student), Ebonesse Bain (Year 2 Student), Rev. Jacqueline Johnson (Girls Ministries Coordinator for the New Dimension Ministries Church of God)

knowledge of the different forms of domestic violence and also gave us examples of such behavior. We informed the ladies that the courts have the power to subject the perpetrators of domestic violence to restraining and protection orders, fines, and imprisonment for the offence. The ladies were particularly surprised that the court can order the alleged perpetrator to pay compensation for monetary loss to the alleged victim and to continue any legal obligations to the alleged victim such as the payment of child support, rent, mortgage, and utility bills.

With respect to the duties of a police officer in domestic violence cases, the young ladies were impressed with the pivotal role police officers play in assisting domestic violence victims such as maintaining confidentiality of the matter, accompanying the victim to collect their personal belongings from the residence which they shared with the perpetrator, and assisting in enforcing court orders to exclude the perpetrator from the shared residence. We also informed the young ladies

how to apply for a protection order and the duties of the court and the police in relation to the protection order.

Overall, the young ladies were very receptive to the presentation. They informed us that they learned new information that they can share with family members and friends. At the conclusion of our presentation, we further engaged the young ladies by asking them what they aspired to be upon completing high school. Some of the responses we received were: hairstylist, lawyer, police officer, mortician, and nurse. Despite their current situation, the young ladies have a promising future. We encouraged them to stay focused, maintain their confidence, dream big, and strive to be law abiding citizens.

We know that there is more than can be done to stop Domestic Violence from a legal standpoint. While we note that generally

Protections Orders, themselves, are only useful after a domestic violence incident has occurred, there is also no guarantee that the Order will stop another incident. However, we are hopeful that having informed the girls about the legal remedies available for domestic violence victims, they would be able to share their knowledge with others and help make a difference.

During the preparation of this presentation, we formed a great relationship with the staff at the Centre. It is our hope that the Criminal Law Specialist Clinic continues to engage the Centre in its effort to bring about social change through legal education. 🙏



Teaching During the Covid-19 Pandemic— A glimpse at selected private secondary schools

DeVaughn Rolle and Ebonesse Bain - Year 2 Students

March of the year two-thousand and twenty will remain etched into the memories of many for decades to come and undoubtedly there will be many stories. With the emergence of the COVID-19 pandemic, the world that we once knew changed. Due to the virus' highly communicable nature, unpredictability, and rapid evolution, the Bahamian Government introduced and implemented several national Emergency Orders ("the Orders"). While these measures were designed and implemented to protect the people of our nation, they did not come without a cost. The virus' contagious and in many instances fatal nature, necessitated the closure of schools across the nation and the world. The education sector of The Bahamas took a massive hit. Many Bahamian students of elementary, secondary and in some instances, tertiary and vocational education levels, were out of the classrooms and unable to receive instruction. Learning institutions went to the drawing board to find new



and innovative ways to continue teaching. This article looks at the teaching experience of three private school teachers during the COVID-19 pandemic.

According to a study conducted by Consultants, Malaka Parker and Pablo Alfredo (2022) of the United Nations Economic Commission for Latin America and the Caribbean, the primary method of continuing education in The Bahamas, was through the remote learning system. The study mentioned that in a survey which they conducted with various school principals, one of the key factors in deciding whether to use this method was predicated on the availability and access to internet services and electronic devices to facilitate learning amongst students. Notwithstanding the availability of these services for some

students, there were still many students that did not have access to internet services due to their household's inability to afford it; they had no computers or tablets to access the learning management systems which would be used to facilitate teaching, homework and examinations; or if the student(s) did have access to internet services their parents were unable to assist them in navigating the platform due to their technological ineptitude resulting in students missing classes which led to a learning gap amongst many students.

Two years hence, face-to-face learning has reconvened with the assistance of the

hybrid learning system. The hybrid learning system incorporates both synchronous learning (live online classes) and face-to-face learning. To discover how the hybrid learning process has affected the students and what plans are in place to bridge the learning gap caused by COVID-19, we interviewed Mrs. Shanique Darville, a seventh and eighth grade teacher at Kingsway Academy (“Kingsway”), Mr. Garth Jackson, a tenth and twelfth grade teacher at St. John’s College (“St. John’s”), and Mr. Ernesto G. Williams, coordinator and instructor at The Bahamas Technical and Vocational Institute (BTVI) and former teacher at St. Anne’s School.

Shanique Darville, Teacher, Kingsway Academy

We were informed by Mrs. Darville that an asynchronous method was initially adopted at Kingsway however, this was unfruitful as they soon discovered that the students required interaction. The asynchronous method allowed the teachers to upload recorded video or audio learning sessions to a virtual platform and students would watch them on their own with minimal instruction and supervision from the teacher. Subsequently, according to Mrs. Darville, the school decided to use both synchronous and

Face-to-face learning systems. The online learning system proved to be a bit tedious as Mrs. Darville had to keep her students engaged, be understanding with students who were being bumped out of class because of intermittent internet connection which sometimes doubled the workload because the missed instructions must be relayed to the students. Another difficulty arose when students could not hear what Mrs. Darville was trying to explain, or they could not see the dry-erase board and could not participate as they wanted to. When asked whether she noticed a difference in the quality of work produced by students while working online, Mrs. Darville noted that the “highflyers” maintained the quality of their work, however the “laid back” students’ performance decreased. With this in mind, Mrs. Darville decided that in every face-to-face class she conducts, she will review the material taught online the previous day. Additionally, after-school classes will be conducted for students who fall behind, and summer school will be implemented to bring students up to speed.

Garth Jackson, Teacher, St. John’s College

We interviewed Mr. Jackson who teaches seventh and eighth grade Health and General Science and Biology for tenth and eleventh graders. Mr. Jackson stated that before the pandemic, St. John’s had been using the virtual platform to assist students

outside of classes to make the transition to online learning seamless on the administrative side. He went on to explain that the school attempted to use the hybrid model where half of a class would attend school and the other stayed home, but this did not work. Jackson stated that technology did not allow him to produce the same quality of learning to the students that were at home, that the students who were in the classroom received. He explained that coupled with power outages and internet connection issues, the hybrid model proved to be more of a challenge than they had realized. In addition, Mr. Jackson believed that the system also highlighted the socio-economic imbalances that are alive within our nation. He mentioned that there were students who simply could not pay attention in the online system because they had to babysit younger siblings and he believed that this reflected on some of the students’ performance and not merely because teaching had moved to the online platform. He stated that the students who were good performers while face-to-face were also good performers online, and those who were not the best performers before COVID-19, performed as expected. Overall, Mr. Jackson enjoyed

the creativity that the online platform allowed him to express and he plans to continue to incorporate the online system in his lessons in the future as he believes that the pandemic has removed the stigma associated with online learning.

Ernesto G. Williams, former teacher, St. Anne's School

Mr. Williams teaches English Language to seventh through ninth graders but did not start virtual classes until September 2020. When asked whether he encountered any issues using the virtual platform, Mr. Williams explained that it was difficult to keep students engaged amidst their distractions at home and boredom. Mr. Williams believes that maturity and the attention span of the children during virtual learning determined the outcome of their performance, "the lazy remained lazy and the hard workers remained hard workers." When asked how he intended to assist

students who fell behind due to the online learning system, Mr. Williams stated that he believes that incorporating technology into face-to-face lessons by allowing students

to take quizzes and engaging activities online, will prove to be advantageous.

Conclusion

After speaking with the interviewees, we have learned that while the hybrid learning system brought its challenges, it also helped some teachers discover innovative ways to engage their students in a way that did not leave any behind. Although "leaving no child behind" was their goal, there were a few students that the hybrid system did not favour. Where the latter occurred, review sessions, after-school classes, face-to-face revision, and summer school, were held to assist those students in need. The



trajectory of teaching for these teachers will be to continue to incorporate electronic and hybrid methods of learning in their interaction with their students to maximise participation. The

teachers who we interviewed demonstrated just how much teachers want their students to achieve. Although there are major differences between secondary schools and law schools, we believe this desire is all the same. 🙏

a teacher
TAKES A
hand
OPENS A
mind
& TOUCHES A
heart

From In-service to Pupillage

Gary Rolle III - Year 2 Student

We have all heard of the complexities and the sleepless nights of legal practice. Although this may have some striking similarities to our lives as law students, some may not find the transition from law student to law practice to be so similar after all. The reality is that law students face many challenges when they enter professional life. To acclimate, law students must adjust themselves and their mental framework to their legal professional environment as they implement theoretical and conceptual knowledge in the new world of work. In The Bahamas, bridging initiatives such as ‘in-service training’ and ‘pupillage’ were implemented to facilitate this adjustment from law student to legal professional.

In-service training

During our first year of Law School, we are required to undergo ten weeks of in-service training with a law chambers as part of our matriculation requirements in order to attain the Legal Education Certificate. In-service training is an academic internship programme which is

designed to integrate our theoretical and conceptual knowledge and legal skills learnt with actual life practice. Gault J, Leach E, Duey M (2010) described “academic internships [as] a bridge to link the theory and practice by taking part in supervised and scheduled work.”

The question may be asked why is in-service training important?

The short answer is that in-service training is a short-term workplace that provides an excellent source of practical experience and opportunities for law students to enter the legal arena during their enrollment at the Eugene Dupuch Law School. The in-service training programme not only improves students’ skills but also polishes their professional growth and experience. On the one hand the experience can garner positive expressions and adjectives such as, “invaluable”, “experience of a lifetime”, and “eye-opening”. This is not to mean necessarily that the experience is all “peaches and cream” but rather acknowledges the many benefits of in-service training to one’s legal professional development. Conversely, the training could be seen as discouraging and garner expressions and adjectives such as, “discouraging”, “taxing”, and “overwhelming”. This is also not to say that the experience is horrible but rather shows the

disparity and duality of the training itself.

Whether you have previously worked in a law firm or not, the information obtained over the years of theoretical schooling coupled with the introductory practical knowledge obtained at EDLS will now be put to practical use. You may be filled not only with a level of excitement and eagerness to apply what you know but simultaneously hit with the gravity of the situation. The fictitious client you have grown so accustomed to advising in the hypothetical problems over the years is now replaced with a real-life client with real problems and there are real consequences and serious life-altering implications following on the legal advice or solutions given. This exposure to the realities and gravity of practice is crucial to understanding the ethical and legal responsibilities of an attorney.

The reality is that you are your own “patient zero”. You are the Judge and the jury of your own experience. The in-service training period should be viewed as one of change and growth, and just like any change or growth phase, it is new so you can never be wholly ready but

having a mindset that is open to change and growth is important. Further, it is understood in the legal practice that in-service trainees are learning and so there is gradual integration into the “grand scheme of things”.

Pupillage



Juxtaposed to in-service training, pupillage is generally a yearlong endeavour and the pupil is a qualified attorney-at-law and a recognized member of The Bahamas Bar. Upon being admitted to The Bahamas Bar, the attorney is first and foremost an officer of the court and is guided by ethical codes, rules and legal obligations. Armed with the Legal Education Certificate, it is expected that pupils possess a certain level of legal knowledge and skills and are competent to practice. Nevertheless, it should be taken into context that pupils are still new to the field. Because of this, the Legal Profession Act requires

that pupils be supervised by a pupil master that ensures that their legal milestones are achieved and that vital legal skills and tricks of the trade are learnt.

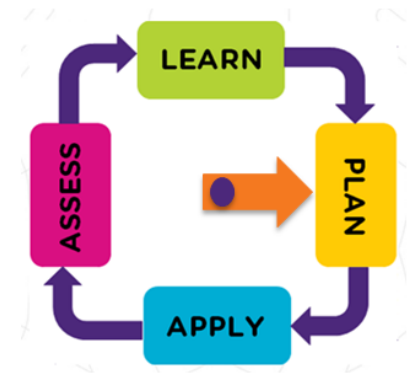
It is interesting to note that in speaking with a few attorneys on what to expect during pupillage, they too describe their pupillage experience using shared or similar adjectives as those expressed by law students who underwent in-service training. However, pupillage was said to be more demanding, and the expectations greater.

Pupillage is the foundation that catapults a successful attorney's career. For pupils, having a good pupil master enhances the experience and is said to make pupillage that much easier. There are a number of attributes that one can ascribe to a good pupil master. Being knowledgeable, competent and skilled in one's area of practice is a must, but a good pupil master is also one who teaches, is approachable, understanding, gentle but stern, provides guidance and understands their role. To get the most out of pupillage, the pupil should be teachable, inquisitive, prepared, proactive, and informed.

If there is one recommendation that stands out amongst the many given about pupillage, it would be to ask questions. The answers given can help to determine expectations, clarify uncertainty, teach you what to do when you are completely out of your depth,

and give perspectives and understanding of why certain things are done.

Therefore, there is no need to be fearful, but rather, recognizing the fear of the unknown, ask questions and arm yourself with the information necessary to help to dissipate those fears. Sulking in your fears does not help but only harms you.



Conclusion

In summation, Ronnestad and Skovholts (1993) stated that the practicality of knowledge depends upon what students already know and how they associate their information with the situations they face in the real world of work. Thus, work-related learning and practical training in the form of the in-service training programme for law students and pupillage for newly admitted persons to the Bar, are vital for their personal and professional development and to promote stronger connections with leading businesses and legal professionals. 🙏

Restorative Justice - A collective societal approach to control crime

Ebonesse Bain - Year 2 Student

The Bahamas has one of the highest numbers of incarcerations per capita (per Inter-American Development Bank Comparative Report, IBD DP-800, September 2020). National Security Minister, the Honourable Wayne Munroe is reported by the Tribune newspaper of July 8, 2022 as indicating that the recidivism rate currently stands at 18%. The current justice system is based on the traditional view that the administration of justice should be state-controlled because crime violates state laws. This view supports the punitive criminal justice system that sees prison as the sole solution to crime. However, the above statistics would seem to suggest that the current justice system inclusive of the prison system is inadequate to deter crime and lower recidivism rates.

Many countries have adopted alternative approaches to justice in an aim to reduce crime. One such approach is Restorative Justice (RJ). RJ is a process in which all stakeholders in an injustice have an opportunity to collectively discuss the

injustice and find ways to deal with the consequences together. The focus is placed on healing and repairing the relationship amongst the stakeholders. The process seeks to heal the pain caused; mend the relationships broken by the crime; and provide a sense of true justice.

This article discusses RJ, as an alternative form of punishment for crime, by outlining its principles and how it is currently being used and likewise can be used in The Bahamas, as a collective societal approach to control crime.

A roadmap of RJ's guiding principles can be extracted from Van Jones' 'Redemption Project' series where Jones notes crime causes harm and damage to relationships and in the absence of a healing conduit, the damage lingers temporarily or even permanently. The healing process in RJ is voluntary and consensual and requires all the relevant stakeholders of the offence to come together and address unanswered questions and concerns. Crime victims have a variety of needs created by the crime. They need to bring meaning to the crime to restore predictability and order in their lives, and they need vindication that what happened to them was

wrong and undeserved. Additionally, victims need opportunities to express their anger and their pain. Howard Zehr, a leading proponent of RJ, asserts the purpose is to restore the victim with a sense of control over their lives.

Generally, these principles are embedded into a series of strategic and collaborative approaches which address the 'how' component of the process. Albert Fiadjoe (*Alternative Dispute Resolution, 2018* p. 127-128) offers that the answer lies in a strategic perspective designed to help society devise collective approaches to conflict. Fiadjoe noted that an integrated approach to crime control ought to include some key strategies including community initiatives that engage the public in constructive alternatives. In this regard, McCold (*Restorative Justice: The Role of the Community, 1995*) maintains that there is a nexus between crime and crime interventions and an improved focus on interpersonal relations.

To achieve the desired outcome of RJ, many practices can encompass its

principles. The most common ones used are: victim-offender mediation; family group conferencing; circles; and “other” programmes. Victim-offender mediation is a process in which there is a meeting, led by a trained mediator/facilitator, between the persons affected by the offence and the offender. This mediation usually involves a voluntary face-to-face meeting where the victims recount their experience with the crime and how it affected their lives; and then are allowed to question the offender(s) about the crime. The offenders are then given the chance to talk about their actions and explain the details of the offence while providing their reasoning and answering any question the victims asked. Family group conferencing is similar to victim-offender mediation but here the family members and the wider community are likely to be present and take on a bigger role by sharing their thoughts on the crime. Circles, which include “healing/peacemaking” and sentencing circles, involve the participation of criminal law principals and agents to provide recommendations of reparations and sentencing for the injustice done to the victims. While “other” includes reparative boards, community-based

programmes, counseling, and teaching initiatives that encourage victim and offender participation and/or any other principles of RJ.

RJ has also effectively been used as a crime-fighting tool in the Caribbean region. In 2012, the Jamaican government established the National Restorative Justice Policy Programme, under the responsibility of the Ministry of Justice. Here a National Advisory Board provides advice on strategic development; while a local committee, chaired by a justice of the peace, oversees the RJ programmes at the community level. The programmes consist of free conferences, which bring the offender and victims together; healing circles, which address common concerns to encourage healing and sentencing circles, which form sentencing plans for offenders. In 2016, Coordinator of the Restorative Justice Unit, Kahilah Whyte credited the RJ programme for the decrease in crime in a Jamaican community, which recorded zero murders that year. Additionally, in 2014 the Canadian Government funded the Improved Access to Justice in the Caribbean to provide training to RJ facilitators in CARICOM member states. The programme includes thirteen out of the fifteen CARICOM member states with The Bahamas being notably absent.

Nevertheless, The Bahamas has shown a desire to implement RJ principles. In 2001, the former Roman Catholic Archbishop of

Nassau, Lawrence Burke S.J. proposed an RJ initiative be implemented in the Bahamas. The next year he sponsored a seminar where participants listened to RJ speeches from Rev. Jim Consedine and engaged in role-playing exercises simulating the RJ process. Many seminars later, the conversation went somewhat mute until the government approved a teen court program, under Project Youth Justice in 2014. It aimed at assisting juvenile offenders who admitted guilt to be sentenced by a jury of their peers instead of the traditional criminal justice system. This programme was in collaboration with the overall Juvenile Division Programme that sought the implementation of a community-based RJ programme as an alternative form of punishment.

Some may argue there is a tendency to limit RJ programmes to youth offenders or adult offenders who committed less serious crimes. This can be attributed to RJ being considered “soft on crime” in a political landscape that demands the government to be “tough on crime.” Additionally, some may see RJ and the criminal justice system as dichotomous. However, Wallace Rebecca and Wylie Karen in their journal article “Changing on the Inside:

Protecting Victims of Domestic Violence

Samuel Taylor - Year 2 Student

Introduction Domestic violence is a plague that affects millions of persons globally. In The Bahamas, many incidents of domestic violence end tragically. A notion that some persons hold is that domestic violence only affects women and children. However, victims of domestic violence include women, children and men. Male victims of domestic violence are often overlooked and suffer in silence due to embarrassment or feeling emasculated.

The **Bahamas' Domestic Violence (Protection Orders) Act 2007** Chapter 99A of the Statute Laws of The Bahamas (DVA) recognizes that abused persons includes all genders and ages. Section 2 DVA defines domestic violence as *“physical, sexual, emotional or psychological or financial abuse committed by a person against a spouse, partner, child, any other person who is a member of the household or dependant.”*

Types of Domestic Violence

- ◆ **Physical Abuse** occurs when a person does an act which results in another suffering bodily injury and physical pain for example by slapping, punching or choking. It is defined in **Section 2 DVA** as *“any act or omission which causes physical injury to a complainant or his child and includes the commission of or an attempt to commit any of the offences listed in the First Schedule in relation to the complainant or his child.”* The list of offences in the First Schedule is extensive and includes assault and battery, aggravated assault violent, rape and attempted murder.
- ◆ **Sexual Abuse** is the act of any unwanted, non-consensual sexual behaviour on another individual which includes touching, rape and other sexually motivated acts.

- ◆ **Emotional or Psychological Abuse** is *“a pattern of behavior of any kind, the purpose of which is to undermine the emotional or mental well-being of a person”* (**Section 2 DVA**). With this type of abuse, the abuser seeks to erode the other person’s self-worth and independence. By acts such as insulting the victim or attacking their character the victim is made to feel insignificant, inferior and humiliated.
- ◆ **Financial Abuse** is *“a pattern of behavior of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person’s access to financial resources so as to ensure financial dependence”* (**Section 2 DVA**). According to Adrienne E. Adams in the article *“Development of the Scale of Economic Abuse”* (Michigan State University, 2008), financial abuse, also known as economic abuse, occurs when one partner has control over the other partner’s access to economic resources which destroys the victim’s ability to support themselves and causes them to rely on the perpetrator.

Legal Remedies Victims of domestic violence are not without protection of the law. Pursuant to **Section 3 DVA**, an alleged victim may make an application in the Magistrates’ Court for a protection order. **Section 4** of the DVA specifies the persons who may apply for a protection order. These include:

- ◆ a spouse
- ◆ a man and woman who are living or have lived with each other in the same household
- ◆ a person who is having or had an intimate relationship with a person of the other sex
- ◆ any other member of the household, other than a spouse, partner or child
- ◆ the Commissioner of Police
- ◆ an officer of the Department of Social Services on behalf of a child who suffered abuse.

With the permission of the Court, an application for a protection order may be made

on behalf of a spouse, partner or child of the household by a person acting as their agent.

The applicant is required to give oral evidence. Once the Magistrate is satisfied on a balance of probabilities that the applicant has proved a pattern of abusive behaviour and is satisfied that the respondent (the alleged abuser) has engaged in or has threatened to engage in domestic violence conduct, the Magistrate will grant a protection order in favour of the applicant.

Section 8 DVA provides for different forms of protection orders. A protection order may be granted to restrain the respondent from being present at the residence of the applicant or child, the applicant's place of work; the child's place of education or at such other premises the court deems necessary. A protection order can also be made to restrain the respondent from being within a specified distance of the applicant or the child or from residing on the premises with the applicant or the child while being under the influence of drugs or intoxicated.

A protection order granted under **Section 8 DVA** can include an order that the respondent continue any legal obligation to pay any rent, mortgage, utilities, or taxes etc. of the premises even where the respondent is ordered to vacate the premises. A respondent against whom a protection order is made may also be restrained from taking personal property that is reasonably needed and prohibited from damaging the property of the applicant or of the child. Additionally, the court may order the respondent to compensate the applicant for any monetary loss as a result of the domestic violence and to make interim payments for the benefit of the applicant/or any child.

Where the court grants a compensation order pursuant to **Section 9(2) DVA** this may include loss of earnings, medical and dental expenses, accommodation expenses and any other expense the court deems fit. The purpose of the compensation order is to compensate the alleged victim for any loss they may have

experienced because of the abuse. The compensation order will not exceed \$10,000.

Pursuant to **Section 18(3) DVA**, the court may also grant an interim protection order. This order seeks to protect the safety of the spouse, partner or child until the determination of the application for the protection order. An interim protection order must not exceed fourteen days. It is noteworthy to mention that the protection order provides that the parties and any child shall attend the Family Services Division of the Department of Social Services for professional counselling and therapy.

When the parties are occupying the matrimonial home, **Section 21 DVA** provides that if one of the parties has a right to occupation, either party to the marriage can apply to the Supreme Court for an order declaring, restricting or terminating those rights; or prohibiting, suspending or restricting the exercise by either party of the right to reside in the matrimonial home. In essence, the party who does not have a legal interest in the matrimonial home may apply for protection from being evicted or excluded by the other party and the court may grant that party the right to occupy the matrimonial home.

Section 22 DVA provides that where both spouses are entitled to occupation, either spouse may apply to the Supreme Court for an order prohibiting, suspending or restricting its exercise by the other party.

Based on **Section 13 DVA**, if the respondent breaches the protection order, the respondent will be liable to a fine of \$5,000 or imprisonment for 12 months or to both. The protection order will last no more than three years.

Conclusion The recent reported incidents of domestic violence must move each one of us to action. We, or someone we know, may be victims of domestic violence and abuse. In order to fight against this plague, wider public education on the matter is needed and law enforcement must take every domestic violence complaint seriously, whether the complainant is a female or male. Lastly, public education

efforts should also be specifically directed to children, the most vulnerable and helpless victims. Education directed to children should include awareness on the types of abuse, signs of abuse, characteristics of abusers, and communication tools on how to open up about what may be happening to them.

By offering this brief overview of some of the provisions of the Domestic Violence (Protection Orders) Act 2007 this article seeks to contribute to raising public awareness and to encourage readers to learn more about the protections the law affords to victims. Utilizing these protections and not remaining in an abusive situation may prevent another tragedy. 🙏

The
"domestic"
part doesn't
matter.
Violence is
violence.

Graduating Class of 2022

EDLS Graduating Class of 2022

Congratulations to Our Graduating Class of 2022. We proudly join with you in celebrating your attainment of the Legal Education Certificate. You have successfully undergone the postgraduate educational training and ethical discipline of the Council of Legal Education and are competent to be admitted to practice. In addition to the legal knowledge and skills acquired, the unique challenges posed by the COVID-19 pandemic revealed in you a Graduating Class with commendable qualities of resilience, adaptability, patience, endurance, creativity, social sensitivity and technological adeptness as well as a “can do” attitude.

With our school’s motto, *“Excellence in Legal Education and Commitment to Social Service”*, deeply embedded into your consciousness, we pray that you will continue to strive towards excellence in all aspects of your professional careers and never lose sight of your social and moral responsibility towards others.

You did it! We wish you all the very best in your future endeavours and look forward to hearing of your achievements and contributions to the development of jurisprudence and life in your countries in the years to come. Keep in touch.

Your EDLS Family

The Graduating Class participated in a fun survey. Students voted on where they saw each other in a few short years and on the student who best exemplified certain attributes such as team spirit.



EBONESSE BAIN

- ◆ **Principal's Roll of Honour for having achieved 6 or more A's over 2 years**
- ◆ Member of the Criminal Law Clinic
- ◆ Member of the Legal Education Week Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee (2021-2022)
- ◆ Recipient of awards for Best Performing Year I Student (2020-2021) with subject prizes in Civil Procedure and Practice I, Law of Evidence, Landlord and Tenant and Law of Remedies

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

Most votes for the **Best Researcher/Bookworm Award** (the person who was always found in the library)



BRYAN BASTIAN

- ◆ Eugene Dupuch Law School Students' Association Social Committee Chairperson (2021-2022)

In a few short years **Bryan** will be...

#1: Working with a criminal defence lawyer

#2: Working in another industry



KRISTIN BUTLER

- ◆ Member of the Social Affairs and Constitutional Committees (YEAR)
- ◆ Member of the Criminal Law Clinic (YEAR)
- ◆ Member of The Verdict Publication Committee (2020-2021)

In a few short years **Kristin** will be...

#1: Working as Crown Counsel in the Attorney General's Office

#2: Ascend to the Bench



MIQUEL CLEARE

In a few short years **Miquel** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



JACKLYN
CONYERS

◆ Member of Moot Committee (2021-2022)

In a few short years **Jacklyn** will be...

#1: Working in another industry

#2: Working in a private law firm



ELLSWORTH
DARLING

In a few short years **Ellsworth** will be...

#1: Working as a Crown Prosecutor with the Director of Public Prosecutions

#2: Working as a criminal defence lawyer

Most votes for the **Best Advocate Award** (the person who always tried to persuade you of something)



**RAYSHON
DELEVEAUX**

- ◆ Eugene Dupuch Law School Students' Association second year student Representative (2021-2022)
- ◆ Awardee of Commercial Law Clinic prize (2020-2021)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Rayshon** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



**TAMIKA
FERNANDER**

In a few short years **Tamika** will be...

#1: Working as Crown Counsel in the Attorney General's Office

#2: Working as a Crown Prosecutor with the Director of Public Prosecutions



NATOYA FRETT

- ◆ Member of the Moot Committee (2021-2022)

In a few short years **Natoya** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization/as Crown Counsel in the Attorney General's Office (tied)



LISA GIBSON-
WOODSIDE

In a few short years **Lisa** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization/in another industry (tied)



J'NAE HOPKINS

- ◆ Eugene Dupuch Law School Students' Association Public Relations Officer (2021-2022)

- ◆ Member of The Verdict Publications Committee (2020-2022)

In a few short years **J'Nae** will be...

#1: Working in a private law firm

#2: Working as a criminal defence lawyer



CAPRICE
JOHNSON

In a few short years **Caprice** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



**TAMMIE
KNOWLES**

- ◆ Eugene Dupuch Law School Students' Association Publications Committee Chairperson (2021-2022)
- ◆ Member of the Commercial and Financial Services Law Clinic (2021-2022)
- ◆ STEP Moot Participant (March 2022)
- ◆ Member of Legal Education Week Committee (2021-2022)
- ◆ Member of Moot Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee with special responsibility for design and layout (2020-2022)

In a few short years **Tammie** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



**DURANDA
MINUS**

- ◆ Member of the Criminal Law Clinic (2021-2022)
- ◆ Member of the Commercial and Financial Services Law Clinic (2020-2021)
- ◆ STEP Moot Participant (March 2021)
- ◆ Member of The Verdict Publications Committee (2020-2022)

In a few short years **Duranda** will be...

#1: Working as legal counsel for an organization

#2: Working in another industry

Most votes for the **Best Dressed Female**



**MIRELLE
MONDELUS**

- ◆ Member of the Commercial and Financial Services Law Clinic (2021-2022)
- ◆ STEP Moot Participant and member of the winning team (March 2022)
- ◆ Member of The Verdict Publications Committee (2020-2022)

In a few short years **Mirelle** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



TYLAH MURRAY

In a few short years **Tylah** will be...

#1: Working as Crown Prosecutor with the Director of Public Prosecutions

#2: Working in a private law firm

- ◆ Member of the Moot Committee (2021-2022)



**SHELLY-ANN
NAIRN**

In a few short years **Shelly** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization

- ◆ Treasurer of the Eugene Dupuch Law School Students' Association (2021-2022)
- ◆ Member of Legal Education Week Committee (2021- 2022)
- ◆ Member of Social Outreach Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)



**NICHOLAS
PENNERMAN**

In a few short years **Nicholas** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization



**TAMIKA
ROBERTS**

- ◆ Member of the Criminal Law Clinic (2020- 2022)
- ◆ Member of the Moot Committee (2021-2022)
- ◆ Member of the Social Committee (2021-2022)
- ◆ Member of Social Outreach Committee (2021-2022)
- ◆ Member of the Legal Education Week Committee (2021-2022)
- ◆ Library Representative of the Eugene Dupuch Law School Students' Association (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Tamika** will be...

#1: Working as Crown Prosecutor with the Director of Public Prosecutions

#2: Working as Crown Counsel in the Attorney General's Office



**DeVAUGHN
ROLLE**

- ◆ Member of the environmental Law Clinic (2020-2021)
- ◆ Member of the Criminal Law Clinic (2021-2022)
- ◆ Member of Legal Education Week Committee (2021-2022)
- ◆ Member of the Social Outreach Committee (2021-2022)
- ◆ Member of the Moot Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **DeVaughn** will be...

#1: Working in a private law firm

#2: Go into politics

Most votes for the **Best Dressed Male**



GARY ROLLE III

- ◆ Member of the Environmental Law Clinic (2020-2121)
- ◆ Vice President of the Eugene Dupuch Law School Students' Association (2021-2022)
- ◆ Member of the Commercial and Financial Services Law Clinic (2021-2022)
- ◆ STEP Moot Participant and member of the winning team (March 2022)
- ◆ Member of the Legal Education Week Committee (2021- 2022)
- ◆ Member of the Moot Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Gary** will be...

#1: Working in a private law firm

#2: Working as egal counsel for an organization

Most votes for the **Comedian Award** (the person who always made you laugh)



KARINA ROLLE

- ◆ Moot Committee Chairperson (2020-2021)
- ◆ Member of the Criminal Law Clinic (2020-2021) and Participant in Inaugural Criminal Law Clinic's Appellant Mooting Competition (2021)
- ◆ Member of the Legal Education Week Committee (2020-2021)
- ◆ Member of Disciplinary Committee (2020-2021)
- ◆ President of the Eugene Dupuch Law School Students' Association (2021-2022)
- ◆ Member of the Social Outreach Committee and Sub-Academic Committee (2021-2022)
- ◆ Chairperson of the Legal Education Week Committee (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Karina** will be...

#1: Working in a private law firm

#2: Working as a criminal defence lawyer

Most votes for the **Most Involved in EDLS**



GARY RUSSELL

- ◆ Member of the Moot Committee (2021-2022)
- ◆ Member of the Legal Education Week Committee (2020-2022)

In a few short years **Gary** will be...

#1: Working as legal counsel for an organization

#2: Working in another industry



**FRANK
SAUNDERS**

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

In a few short years **Frank** will be...

#1: A law lecturer/academic

#2: Working in another industry

Most votes for **Team Spirit Award** (the person who always offered assistance or helped their colleagues when needed)

Most votes for **Best Coach Award** (the person who always offered encouraging words)



CRYSTAL STUART

- ◆ Member of the Criminal Law Clinic (2021-2022)

In a few short years **Crystal** will be...

- #1: Working in a private law firm
- #2: Working as legal counsel for an organization



MAKEDA STUBBS

In a few short years **Makeda** will be...

- #1: Working as Crown Counsel in the Attorney General's Office
- #2: Working as Crown Prosecutor with the Director of Public Prosecutions/in a private law firm (tied)



SAMUEL TAYLOR

- ◆ Member of the Financial Services and Commercial Law Clinic (2020-2021)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Samuel** will be...

- #1: Working as Crown Counsel in the Attorney General's Office
- #2: Working in a private law firm



**AQUELLE
TULETTA**

- ◆ Moot Committee Chairperson (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2021)

In a few short years **Aquelle** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization

Most votes for **Best Dressed Female**



BETTY WILSON

- ◆ Member of the Financial Services and Commercial Law Clinic (2021-2022)
- ◆ Member of The Verdict Publication Committee (2020-2022)

In a few short years **Betty** will be...

#1: Working in a private law firm

#2: Working as legal counsel for an organization

Six-Month Graduates

1. Sean Baird (USA), Eugene Dupuch Law School Students' Association Six-Month Representative
2. Janelle Walwyn-White (USA)
3. Timothy Prudhoe (UK)
4. Jason Douglas-Jones (USA)
5. Noah Haynes (Barbados)

Graduating Class of 2022





Year 2 Students



Graduates Of 2012

Ryan Albury-Hanna
Shatarah Andrews
Christine Brown
Chizelle Cargill
Italia Cartwright
Mikia Cooper
Randolph Dames
Sybrena Deleveaux
Juanianne Dorsett
Samantha Edgecombe
Lavonna Frett
Claude Hanna
Knijah Knowles
Vanessa Miller
Kelsie Munroe
Kharin Sears
Sasha Skinner
Sonjah Smith
Tamika Thompson
Damien White





Ryan Albury-Hanna, Counsel at the Office of the Attorney-General

Since leaving EDLS, what have you been up to?

I currently work as Counsel in the Civil Chambers Division at the Office of the Attorney-General (OAG), where I have been since December 2012. It has been an honour and a privilege to serve my country through providing legal advice on Government business decisions, statutory powers and duties and other public matters. Working at OAG through three administrations has been exciting, yet challenging, and I look forward to more challenges to come.

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

Being flexible and enthusiastic has helped the most because I advise such a large conglomerate with different moving parts. Organizing information and advice from multiple stakeholders is a required skill to counsel public bodies, so being able to work with different people (with different personalities) really helps. My most important professional skill is research, which is (in my opinion) the most effective weapon and shield in a lawyer's arsenal.

What are your hobbies/ special interests that keep you grounded?

I enjoy choral singing and I've been in choirs

since I was three. I also love playing tennis; it's a great way to network and stay active.

In one word, how would you describe your experience at EDLS?

Community. EDLS provided so many different perspectives and experiences of Bahamian legal life; it was easy to feel like part of a community.

What was your number one hack that got you through Bar School?

Support of friends and family.

What 3 tips would you give a student enrolled at the EDLS?

- ◆ Develop good working relationships with your classmates.
- ◆ Learn to take in information in your own words; try not to memorize.
- ◆ Keep your study notes.

As a senior attorney, what advice would you give a junior attorney?

- ◆ Listen to support staff (paralegals, secretaries, assistants, custodians). They are a great source of institutional and (sometimes) legal knowledge.
- ◆ Never stop learning.

In which area of law do you believe that reform is necessary? Why?

Legal practice in The Bahamas is badly in need of reform. We desperately need Continuing Legal Education requirements for good standing to stay on the cutting edge of law and legal practice, and to ensure that the standard of bar admission in The Bahamas is protected and maintained. Also, disciplinary proceedings and penalties for violations of the Code of Professional Conduct should be enforced swiftly and fairly to ensure quality legal services for the Bahamian public and the world. 🇧🇸



Sasha Skinner, Counsel and Attorney-at-Law, Eastwood Law Chambers

Since leaving EDLS, what have you been up to?

Since graduation from EDLS in 2012, I've expanded from practicing pure law and have moved into the areas of compliance and risk management, I have worked as a regulator at the Compliance Commission and Central Bank and have volunteered at the Bar Council for two consecutive terms.

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

I heavily rely on engaging and connecting with people towards a common goal: from clients to court staff to colleague jurists, both locally and internationally. I value the building of strong sustainable relationships. The second skill is being detail-oriented and meticulous.

What are your hobbies/ special interests that keep you grounded?

My family and friends keep me grounded. I love reading and I enjoy Bahamian culture in all forms. I travel to gain global exposure to new cultures and experiences.

In one word, how would you describe your experience at EDLS?

Transformative. Having attained the graduate status, I now understand that the Law School effectively compelled its students towards excellence. It did so by forcing its students to

balance the rigours of the programme: studying, assignments, regionally competing with other law schools, social events and court attendance all while balancing one's personal life. One learned that it was the precursor for life as an active attorney and it challenged us to either excel or fail.

What was your number one hack that got you through Bar School?

Study-notes.

What is the one thing you wish you had known or done during Bar School?

Zero regrets.

What is your favourite legal quote?

"Change cometh." It reminds me that with hope positive change will come and that I can work towards that positive change. (P.S. I am almost certain this is not a legal quote, but rather a general life quotation.)

What 3 tips would you give a student enrolled at the EDLS?

Study hard, actively participate in the school events and do not take any shortcuts.

As a senior attorney, what advice would you give a junior attorney?

Work smart, make the most of all opportunities afforded to you and be honest and ethical in your dealings. Strategize, work to achieve your fullest potential as a legal professional, but do not be boxed in by only becoming a pure jurist, if that is not your wish. We live in a day and time where you can truly be anything you wish to be.

In which area of law do you believe that reform is necessary? Why?

In our developing nation, legislative reform is key. It would be remiss of me to narrow and focus on one where many require attention and urgent reconstruction. Close to my heart are changes in laws that will ameliorate and clarify women's and children's rights. 🇧🇸



Mikia Cooper, Partner, Twenty Twenty & Associates

Since leaving EDLS, what have you been up to?

- ◆ I am working on building my firm along with two other female attorneys, Twenty Twenty & Associates.
- ◆ I am also a member of Toastmasters International and have held various leadership positions. In a nutshell, I am sharpening my leadership and communication skills. I believe that there is always room for improvement,
- ◆ Raising my daughter, Amaya.

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

My organizational, determination and computer skills assisted me most in my career.

What are your hobbies/ special interests that keep you grounded?

My hobbies which keep me grounded include spending time with family, travelling and boating.

In one word, how would you describe your experience at EDLS?

My bar school experience was “tough”. It was tough because I was employed as a legal assistant at Halsbury Chambers throughout the entire EDLS experience. My boss at the time, Branville McCartney, had so much faith in me, which made it even more nerve wrecking. But that was over ten years ago, and I have

absolutely no regrets.

What was your number one hack that got you through Bar School?

Remaining focused on my goals got me through.

What is the one thing you wish you had known or done during Bar School?

Participated in more moots.

What is your favourite legal quote? Why?

“A lawyer’s time and advice are his stock in trade”- Abraham Lincoln.

This is my favourite legal quote as it reminds me of the knowledge and experience, I have and I can use this knowledge and experience to help others and earn an income when doing so.

What 3 tips would you give a student enrolled at the EDLS?

I would tell an EDLS law student to never give up, keep going and remain focused on their goals for it is only the beginning. It’s not how you start, but it is how you finish. I would also remind them that when they become an Attorney, do not change for anyone and do not be jealous of other attorneys’ success. You too will be successful, trust in God, remain humble and always walk with integrity.

As a senior attorney, what advice would you give a junior attorney?

I would tell a junior attorney the following: -

- ◆ It’s ok to make mistakes as you will never forget them and they mold you into a better attorney.
- ◆ To learn as much as possible.
- ◆ Do not be afraid of senior attorneys as you will be arguing legal principles and not personalities.

In which area of law do you believe that reform is necessary? Why?

I believe reform is necessary in family law and in particular for Bahamian fathers to have rights to their child(ren) whether married or not and whether or not the mother is a non-Bahamian. The reason being is that many children are stateless as their single father does not have that right. 🇱🇲



Kharin Sears, Associate at King & Co.

Since leaving EDLS, what have you been up to?

Since leaving EDLS, I have (1) worked as an Associate Attorney at Lennox Paton in both their Litigation and Real Estate Departments, (2) worked as a Manager at PwC Bahamas in its Corporate and Legal Department. I have obtained an International Diploma in Anti Money Laundering and an International Diploma in Governance Risk and Compliance from the International Compliance Association. I am presently employed as an Associate at King & Co. in the firm's real estate department.

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

My organizational skills have helped me most during my career.

In one word, how would you describe your experience at EDLS?

"Thorough" - I appreciate that I not only was exposed to local legislation but that I had the guidance of both local practitioners, and local Judges during the course of my studies at EDLS and the opportunity to manage client matters at the Legal Aid Clinic. This brought perspective to practising law in The Bahamas, which some of my counterparts who studied abroad did not have.

What was your number one hack that got you through Bar School?

Having a reliable study group. It was important

that I kept like-minded persons in my circle during bar school. This became a tremendous help in preparing myself for finals. To this day, I am still able to call on my study group to get feedback on legal queries that arise in the course of my practice and we ensure that we all are aware of changes in legislation and legal practices, notices issued by The Bahamas Bar Association, the Supreme Court and the Court of Appeal.

What 3 tips would you give a student enrolled at the EDLS?

- ◆ Find a study group that is reliable - your group can be your greatest resource during Law School and after you have entered legal practice.
- ◆ Always attend tutorials. While all classes are essential to your development, tutorials are your glimpse into the actual practice of the law; an opportunity to apply the law and theory to real-life legal scenarios. There have been many occasions during the course of my practice where I was able to review tutorial questions and the answers for guidance to advise my clients.
- ◆ KEEP ALL OF YOUR NOTES. You will find that your course manuals and study notes will become useful in researching legal principles and preparing memos, court documents and advice to clients.

As a senior attorney, what advice would you give a junior attorney?

Remain in contact with your colleagues from the Law School and always be courteous to ALL at the Bar.

What is your favourite legal quote? Why?

This is very cliché but my favourite quote is "the law is a jealous mistress...". This quote adequately sums up the legal practice but unfortunately as a law student, you will not truly grasp the quote's significance until you become a practitioner.

In which area of law do you believe that reform is necessary? Why?

I believe Conveyancing law is an area which has

been neglected. The Conveyancing and Law of Property Act was enacted in 1909 with very few amendments to the Act occurring thereafter. There are ample local examples that demonstrate the need for this area to develop. The establishment of a registered land system is but one area that should be addressed. This would make the process involved in the purchase and sale of land more efficient and offer greater protection to the rights of purchasers and sellers in the process.



**Great achievement always
requires great sacrifice.**

Robin S. Sharma

“ quote fancy



Climate Diplomacy & Environmental Ambassadorship - The Environmental Law Clinic's Year in Review

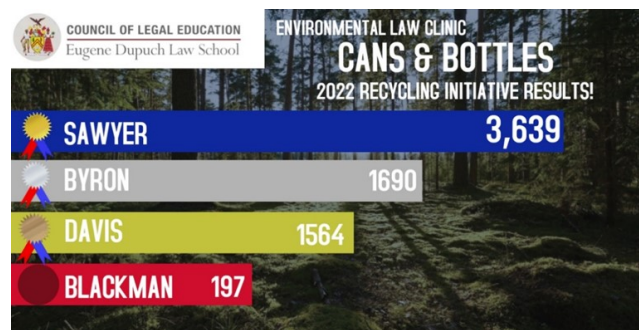
By: Stanley Burnside - Year 1 Student, Member of the Environmental Law Clinic

Operation Impact

The members of the Environmental Law Clinic (ELC) had a successful and productive year. Student members of the ELC consisted of **Shaquille Dean, Sasha King, Saskeia Liverpool and Stanley Burnside**; all first-year students from The Bahamas and Guyana who are passionate about the environment. The ELC team was led by our Clinic Supervisor, **Raquel Williams**. This year's cohort greatly benefitted from hearing about the environmental challenges and solutions present in the represented countries.

After learning about the environmentally relevant laws in The Bahamas and Guyana, the members of the Environmental Law Clinic launched **Operation Impact**. This initiative was designed to challenge the student body to prioritize environmental initiatives in their daily

life. During the same presentation to the student body, the Environmental Law Clinic members also re-introduced the recycling campaign. This yearly inter-school campaign, in collaboration with Cans for Kids, encourages the EDLS student body and faculty to donate recyclable cans and bottles. The house donating the most recyclables once again won a fabulous prize. This year's winning house was Sawyer.



Climate Diplomacy from Glasgow COP 26 to

Sharm El Sheikh COP 27

On March 18, 2022, the ELC hosted its second annual Environmental Law Clinic Webinar entitled, *Climate Diplomacy from Glasgow COP 26 to Sharm El Sheikh COP 27*. The Webinar was timed to coincide with Global Recycling Day. Inspired by the speech given by Prime Minister, the Honourable Phillip “Brave” Davis Q.C. to the Conference of Parties (COP) in Glasgow Scotland, the ELC determined to explore further the importance of climate diplomacy in the fight against climate change. In his speech, Prime Minister Davis painted a stark picture of the present realities of the effects of climate change on The Bahamas when he said, *inter alia*:

“We in The Bahamas will do what we can, but the limits of what our nation’s efforts can accomplish are stark. We cannot out-run your carbon emissions. We cannot out-run the hurricanes which are growing more powerful and we cannot outrun the rising sea levels as our nations disappear beneath the seas. But every day, our yesterday is already becoming your todays and fast becoming all of our tomorrows.”

While Prime Minister Davis’ speech highlighted the disproportionate impact of climate change on The Bahamas, the fate of The Bahamas is one shared by many other Small Island Developing States (SIDs).

Climate change is a global problem requiring global solutions.

The United Nations Secretary-General, António Guterres, stated that *“climate change is happening now and to all of us. No country of community is immune.”* This is why climate diplomacy is important and where COP comes in. **Climate Diplomacy** involves preparing appropriate risk assessment and risk management strategies between partners within the global community. COP is the formal meeting of 197 member countries party to the United Nations Framework Convention on Climate Change (UNFCCC). Each year, unless otherwise agreed, members meet to discuss

important global climate issues at the United Nations Climate Change Conference. COP 27 will be held in Sharm El Sheikh, Egypt in November 2022.

The ultimate objective of the UNFCCC is the *“stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”* (Article 2). Article 3(1) recognizes that “the Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects.”

This year’s **Webinar** thus sought to explore further the role of climate diplomacy in shaping



international law, foreign policies and multi-lateral strategies. The ELC team were lucky enough to have presentations by Ms. Jerusa Ali and Mr. Bradley Watson. We also each had a role to play in the Webinar’s success whether as moderator, introducing speakers or giving welcome and closing remarks.

Our first presenter, Ms. Ali, is the Political Attaché of the British High Commission in Nassau, The Bahamas where she is responsible for monitoring and reporting the political, economic and social conditions in The Bahamas and delivering on global thematic issues such as climate change, human rights and security. A former professor of international law, Ms. Ali

explained to our webinar audience the role of diplomats, the binding effect of treaties in international law and highlighted some notable international environmental law treaties.

In discussions on climate change, the Kyoto Protocol and Paris Agreement are often mentioned. These treaties are the product of climate diplomacy. At its third conference (COP3), members adopted the Kyoto Protocol committing industrialized countries to limit greenhouse gas emissions. Several years later, the COP adopted the 2015 Paris Agreement agreeing to limit global warming to 1.5C.

Our second presenter, Mr. Watson, is an environmental scientist and sustainable development professional whose life's work and mission are dedicated to the study and conservation of natural systems for the benefit of the public. Mr. Watson was appointed by Prime Minister Davis as the Youth Climate Ambassador for The Bahamas. Mr. Watson gave a summary of what climate finance is and related those opportunities to the blue economy, which is a term for commerce based on marine natural resources. This blue economy could serve as a vehicle for climate change adaptation and mitigation, helping us survive the increasing temperatures of the future.

"We still have the chance to win the race against time and outrun the impact of Climate Change".

Our High School Essay Competition



Front: L-R: Shaquille Dean, Raquel Williams and Clive Guy with winner of the Essay Competition, Davincia Cox

Now in its second year, the ELC invited high school students from across The Bahamas to submit essays in the hopes of winning \$300, \$200 or \$100 for first, second or third place respectively. With several entries received from Grand Bahama, Eleuthera and Nassau, this year's essay competition was a success. This year's question asked participants to critically discuss the significance and implications of an excerpt from the speech made by Prime Minister Davis at COP 26 and to examine how the law can help. The selected extract was:

"We still have the chance to win the race against time and outrun the impact of Climate Change".

The question therefore begged participant, students in The Bahamas from grades 10 thru 12, to research negative climate change trends and apply them to the vulnerable position that the country is in as a small island nation and to explain the role of law in preventing, reducing and mitigating/or climate change impact. These essays were graded by the members of the ELC based on their structure, content and style and the level of research shown. Needless to say, we were impressed. The young writers exhibited a level of creativity, attention to detail and independent research that truly demonstrated their passion as environmental advocates.

As so many essay were executed so well the ELC team were challenged with the task of "whittling down" the essays. This process consisted of each member reading all the essays and grading them individually and independently. We then met to decide which essays we thought were the best to be short listed. We had originally planned to send only 5 to this final process however the essays were so good we increased that number to 7. Our guest speaker, Ms. Ali, graciously agreed to serve as a third-party judge and assisted in declaring which essays earned the coveted medal positions.

While we thought all the essays were amazing, special congratulations went to:

- ◆ Davincia Cox, 1st place awardee and Anatol Rodgers High School student,
- ◆ Aaliyah Rolle, 2nd place awardee and St. Anne's School student, and
- ◆ Daly McCartney 3rd place awardee and St. John's College student.

While there tends to be negative connotation to climate change, the competitors took the optimistic stance of Prime Minister Davis and proposed possible solutions that may be made by legislation and enforcement which might allow The Bahamas to outrun the race against climate change.

In his article, *Time's up: If not now for the constitutional protection of the right to a clean and healthy environment, then when?*, my colleague, Shaquille Dean, explores the entrenchment of environmental rights in the Constitution, the supreme law of the land.

Some Essay Highlights

The 1st place awardee, **Davinicia Cox** contextualized the race against climate change by discussing how human carbon consumption has increased since the 1800's and how this increased consumption has had an increasing negative impact on the environment. She pointed out that as The Bahamas is branded for its environment in the form of "sun, sand and sea", any negative impact on the environment should be treated as a negative impact on the economy. Moreover, she highlights that many scientists blamed climate change for increasingly strong hurricane activity and warned that if nothing is done to combat climate change The Bahamas will bear the brunt of more hurricanes in the future. She suggested that legislative action can help to mitigate climate change and discussed Introducing Eco taxes which penalize entities causing pollution and encourage entities to find greener alternatives.

Our 2nd place awardee, **Aaliyah Rolle**, recapped the Climate Change Conference in Glasgow where Prime Minister Davis presented the struggle of our small island nation on the

World stage.

She highlighted the role that the law has in regulating pollution. While she submitted that the Department of Environmental Protection Planning Act (No 40 o 2019) is a step in the right direction she called for stricter fines and penalties for entities found to be polluting.

Our 3rd place winner **Daly McCartney** told the story of a small island nation suffering from the negative effects of climate change. She pointed out that the small islands are the first to feel the impact of climate change and as such the rest of the world should make the necessary changes to avoid a catastrophic fate.



Front: L-R: Shaquille Dean, Raquel Williams, Daly McCartney, Aaliyah Rolle and Clive Guy .

While the ELC Webinar's focus this year was on Climate Diplomacy, and the fight against climate change on the international stage, undoubtedly we all have a role to play in protecting our environment. We are all a part of the solution. We should all therefore think of ourselves as ***Ambassadors for the Environment!***
The time is now. 🌍



**WHEN IS
IT TIME?**



Time's Up: If not now for the constitutional protection of the right to a clean and healthy environment, then when?

Shaquille R. Dean - Year 1 Student, Member of the Environmental Law Clinic

Introduction Environmental protection in the modern era is fundamental for the sustainability of planet Earth. Earth's sustainability faces significant danger due to the destructive behaviour of humanity, placing a strain on the environment and beckoning the call for more drastic and long-term protective measures. A prevalent danger facing the Earth's sustainability is climate change. According to Article 1 of the United Nations Framework Convention on Climate Change 1992 (UNFCCC), climate change is the atmospheric change of the Earth's climate over comparable time periods caused directly or indirectly by human activity. Climate change is a complex environmental phenomenon affecting the common good of the world. Lisa Benjamin in *Climate Change and Caribbean Small Island States: The State of Play* (2010) 16 The International Journal of Bahamian Studies, 78 opined that the causal effect of climate change is linked mainly to industrialized counties, but felt most by Small Island Developing States (SIDS), including The Bahamas.

The United Nation's Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States has divided SIDS into three geographical regions, the Caribbean, the Pacific, and the Atlantic, Indian Ocean, and South China Sea. SIDS share unique social, environmental and economic characteristics, making them most susceptible to the effects of climate change. In fact, in the last decade, SIDS have experienced a series of extreme weather patterns and natural disasters. From 2016 to 2019, the Caribbean region has experienced extreme hurricanes, leaving behind extensive devastation, loss of

life, displaced residents and economic challenges. In 2019, Hurricane Dorian, a 'super-hurricane', ravaged the northern Bahamian islands of Abaco and Grand Bahama, the country's second and third largest economies, causing unprecedented damage and loss of life. The Bahamas Climate Spending Report 2021-2022 recently published by the Ministry of Finance in collaboration with the World Bank highlighted that The Bahamas faces an estimated average annual loss of \$850 million due to windstorms like hurricanes and a probable maximum loss of \$20.5 billion for a 250-year event.

Vulnerable countries must not be solely reliant on international efforts to combat climate change and protect the environment. Although international efforts, particularly those by industrialized countries, are important to combating climate change and protecting the environment, SIDS must also demonstrate their independence and political will to navigate their own environmental destiny, ensuring that effective environmental protections and measures are implemented. It is incumbent on SIDS to implement more drastic measures as the economic, social and physical welfare of their citizens are in jeopardy.

While successive administrations have enacted important environmental protection legislations to combat climate change and protect the environment, it is submitted that these measures are simply not enough for long-term sustainability. For example, the Environmental Planning and Protection Act, 2019 (EPPA) is the country's first framework legislation with a focus on the environment. The EPPA ushered in the establishment of the inaugural Department of Environmental Planning and Protection, with a

director spearheading the team responsible for ensuring compliance of the Act. The EPPA also ushered in a duty placed on every person in The Bahamas to ensure the protection of the environment and granted persons seized with a sufficient interest in the matter standing to approach the court against an environmental infringer.

However, legislation can be passed, amended or repealed by a simple majority of the country's Parliament and the reality is that the environment's level of importance on the Government's legislative agenda may be outweighed by the economic pressures of the country. These are drastic times facing SIDS, and more drastic and long-term measures are required to truly protect the environment. It is submitted that the most effective and prudent way to truly protect the environment is through the amendment of the country's Constitution, adding the fundamental right to a clean and healthy environment and empowering citizens and residents with the right to safeguard The Bahamian environment against any infringer of the environmental common good, including the State. The Constitution must be the source from which all other environmental protection legislations obtain their authority.

Constitutional Protection Article 2 of the Constitution of The Bahamas provides that the Constitution is the supreme law of the land and any law inconsistent with the provisions of the Constitution shall be void to the extent of its inconsistency. Charles J in **Coalition to Protect Clifton Bay and another v The Hon. Fredrick A Mitchell MP (Minister of Foreign Affairs and Immigration) and others** [2016] 2 BHS J No. 94 at paragraph 99 stated, "... the Constitution is the supreme law of the land and the court is the guardian of the Constitution."

The Constitution also explicitly and inexplicitly recognizes the abiding respect for the rule of law; no man is above the law but is subject to the law. According to the **preamble** to the Constitution '... the People of this family of Islands recognize that the preservation of

their freedom will be guaranteed by ... an abiding respect for ... the Rule of Law...' In **Attorney General v Boyce and Joseph (2006)** 69 WIR 104, Wit J at paragraph 20 affirmed, "the multi-layered concept of the rule of law established, first and foremost, that no person, not even the Queen or her Governor-General, is above the law."

Chapter III of the Constitution recognizes deeply entrenched fundamental rights and freedoms afforded to every person in The Bahamas. **Article 28(1)** empowers any person who alleges that any of his fundamental rights and freedoms guaranteed under the constitution has been, is being or is likely to be infringed to approach the Supreme Court for redress. **Article 28(2)** imposes original jurisdiction on the Supreme Court to hear and determine such applications. In **Coalition (supra)**, the court held that the Supreme Court is bestowed with the exclusive competence to hear and determine matters where a person alleges a breach of his individual rights and that the court should remain independent and impartial in the exercise of its original jurisdiction under the Constitution. The court further held that the function of the court to police breaches of the Constitution is a universally recognized feature of a modern democratic society and the cornerstone of the rule of law.

Lisa Benjamin and Michael Stevenson in *A Greener Future For Caribbean Constitutions? The Bahamas As A Case Study* (2015) XXI(2) *Widener Law Review* 217, 221 stated that Guyana is one of the few Commonwealth Caribbean countries with substantive and procedural constitutional provisions aimed at protecting the environment. Article 149J of Guyana's Constitution states:

- 1) Everyone has the right to an environment that is not harmful to his or her health or well-being.
- 2) The State shall protect the environment, for the benefit of present and future generations, through reasonable legislative and other measures designed to –

- (a) prevent pollution and ecological degradation;
 - (b) promote conservation; and
 - (c) secure sustainable development and use of natural resources while promoting justifiable economic and social development.
- 3) It shall not be an infringement of a person's rights under paragraph (1) if, by reason only of an allergic condition or other peculiarity, the environment is harmful to that person's health or well-being.

The Bahamas, being one of the most vulnerable countries of the Commonwealth Caribbean, can be a part of history by joining its regional counterpart, Guyana, in constitutionally protecting the environment and safeguarding its economic, social, and physical welfare at the same time. Since July 10, 1973, when The Bahamas' Constitution took effect, the document has undergone very few changes. Such inaction is contrary to the views of modern day constitutionalists, who view the constitution as a living document that must meet the needs of today's society. Sharma JA in Nankissoon Boodram v The State (1996) 47 WIR 459 at 467 affirmed:

A constitution of any country is not a sterile and lifeless document. It is an organic and living thing. It must be resilient and amorphous, ready to respond to the changing needs of the people it governs.

Particularly, once the right to a clean and healthy environment is enshrined in Chapter III of the Constitution, it imposes an obligation on all state actors to enact and enforce effective environmental protective legislations, ensuring greater public participation in environmental governance and improving access to environmental justice. The right to a clean and healthy environment would be under the purview of the court, an independent and impartial branch of government. Any law or action not giving credence to the protection of the environment without lawful justification will

be subject to constitutional supervision. In such instance, the aggrieved person would have legal recourse available to him. It will not matter that the infringer is a member of the executive, legislature or judiciary. The Constitution is subject to no man, but all men are subject to the Constitution.

According to Article 54 (3) (b) and (ii) of the Constitution, any Act of Parliament seeking to amend the provisions of the Constitution dealing with fundamental rights and freedoms cannot be done without a three-quarter majority vote in the House of Assembly and Senate and a favourable outcome in a constitutional referendum by the Bahamian voting public; thus, ensuring the deep entrenchment of any fundamental rights and freedoms established under the Constitution.

Conclusion

In summation, environmental protection in the modern era is fundamental for the sustainability of planet Earth. The environment requires drastic and long-term measures in order for it to be truly protected. The most effective and prudent way to truly protect the environment is through the amendment of the country's constitution, adding the fundamental right to a clean and healthy environment and empowering citizens and residents with the right to safeguard The Bahamian environment against any infringer of the environmental common good, including the State. The Bahamas is simply out of time, and constitutional action to protect the environment must be sought with great earnestness and alacrity. Given the social, economic and physical vulnerabilities facing The Bahamas, if it is not time to constitutionally protect the right to a clean and healthy environment, when will it ever be? Will it be when The Bahamas is no more? 🇱🇻

Dare to go virtual? Considering crypto and digital currencies

By: Duranda Minus - Year 2 Student



Cryptocurrency

Merriam Webster (2022) defines cryptocurrency as “any form of currency that only exists digitally, that usually has no central issuing or regulating authority but instead uses a decentralized system to record transactions and manage the issuance of new units, and that relies on cryptography to prevent counterfeiting and fraudulent transactions”. In their article, “What is cryptocurrency And How Does It Work?”, Forbes Advisor (September 5, 2022) Vaidhyanathan J, and Jain A., describe cryptocurrency as “decentralized digital money that is based on blockchain technology and secured by cryptography”. Cryptocurrencies are popularly used as trading instruments and for cross-border transfers. While there are over 19,000 cryptocurrencies, some examples of the more popular ones are Bitcoin, and

Ethereum.”

Cryptocurrency is a form of virtual currency, which is used as a payment method and operates like a currency in some markets. However, it is not a real currency. Most virtual currencies do not have legal tender status in many jurisdictions. While virtual currencies are popular today, they were notably first established in the 1990s. In 1996, E-Gold was introduced and in 1998 Web Money was introduced. Blockchain Technology.

Bitcoin’s core technology is referred to as blockchain. Blockchain is a distributed digital public ledger database that is shared among the nodes of computer networks in various locations. As a database, blockchain contains features that allows it to store information electronically in a digital format. While blockchain allows digital information to be distributed and recorded, the data cannot be edited. Therefore, records of transactions

cannot be altered, deleted or destroyed. Blockchains store data in blocks which are then linked together via cryptography. The concept of blockchain is that as new data is entered into a fresh block, once the block is filled with data, it is then chained onto the previous block, which allows the data to be chained together in a chronological order (see diagram below). While various types of information can be stored on a blockchain, it is most commonly used as a ledger for transactions.

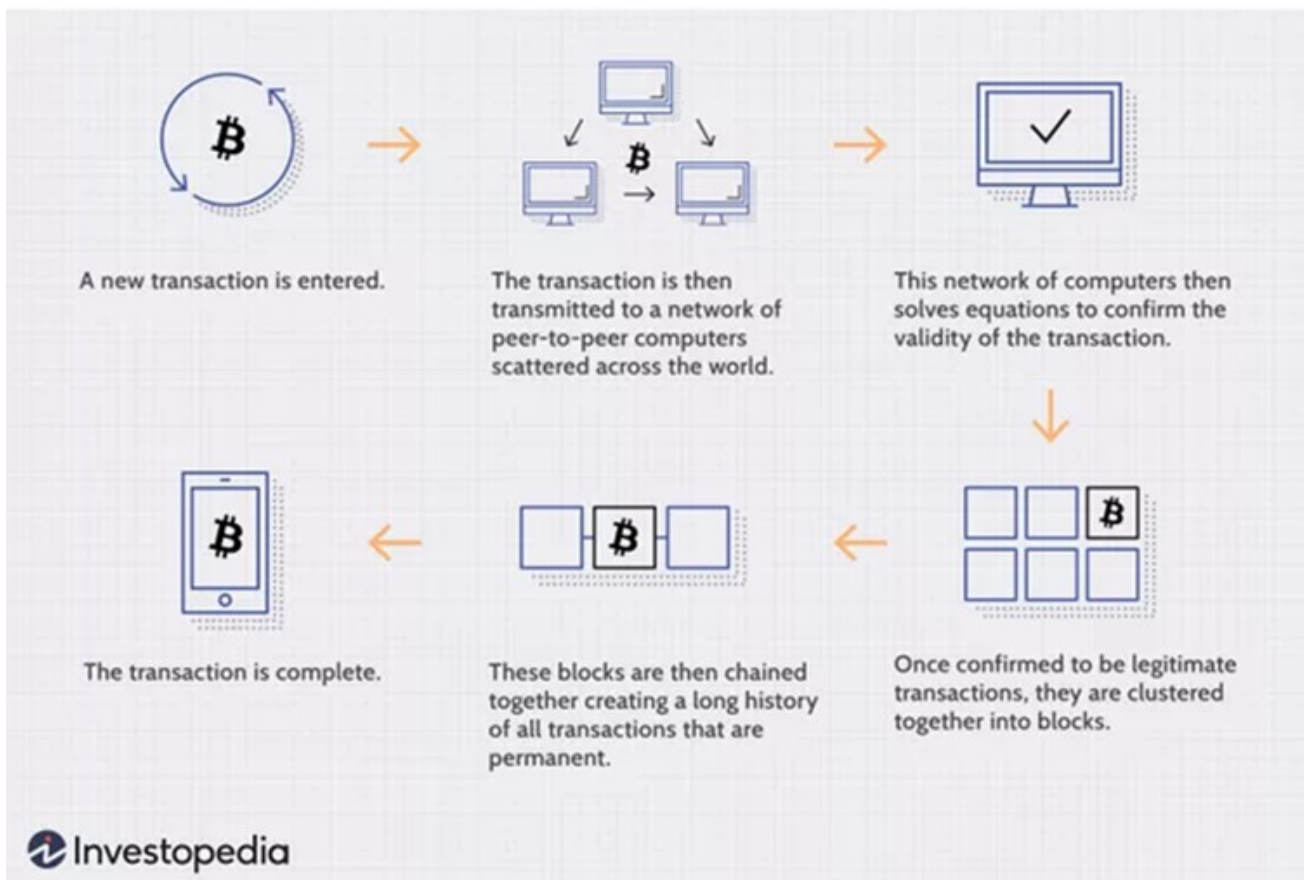
Blockchain play a crucial role in cryptocurrency systems such as Bitcoins, as it maintains a secure and decentralized record of transactions. Blockchain has become increasingly popular since the creation of smart contracts, decentralized finance applications (DeFi) and Non-fungible tokens (NFTs). Blockchain contains a decentralized feature that does not monopolize data access control amongst users. Therefore, for Bitcoin, there is no single person or group that has control but rather, all users collectively retain control.

Additionally, data is entered irreversibly on decentralized blockchains, which is also referred to as 'immutable'. For Bitcoin, this means that transactions are permanently recorded and can be viewed by anyone. Moreover, while Bitcoin has existed for many years, it was favourably used by drug dealers as the preferred currency on Silk Road (also known as the dark web illegal scheme), which was later shut down. In recent years, as Bitcoin's value increased, it became more popular for use and hence discussions on regulations was sparked.

The goal of blockchain is to guarantee the fidelity and security of a record of data and generate trust without the need for a trusted third party, therefore replacing middlemen in the traditional financial system.

There are several advantages and disadvantages of cryptocurrency. Such advantages include:

- ⇒ Increased access of financial services to persons that are excluded from having access to the traditional banking system



due to reasons such as poor credit, lack of identification; and

- ⇒ Ease of cross-border transfers.
- ⇒ Use of innovative technology.

While there are several benefits of cryptocurrency, potential risks also arise. These include:

- ⇒ Cryptocurrency being largely unregulated could be used for consumer fraud, money laundering, financing of terrorism and many other criminal activities;
- ⇒ High level of anonymity due to persons operating outside of the traditional financial system; and
- ⇒ Difficulty in tracing cryptocurrency transactions.

The digital Bahamian Sand Dollar

Generally, most countries have not moved to accept or regulate virtual currencies, as they are struggling with how to regulate and monitor it. In October 2020, the Central Bank of The Bahamas (“the Central Bank”) introduced a digital currency in The Bahamas, dubbed the Sand Dollar. The Sand Dollar is the digital version of legal tender (cash), which operates as a digital wallet, issued by the Central Bank through authorized financial institutions. In an effort to address financial inclusion gaps within The Bahamas, the Sand Dollar is designed to accelerate access to retail payment services. The Sand Dollar is currently being used on the government’s DigiPay platform and by Central Bank approved businesses.

Due to the money laundering risks stemming from the operation of digital currencies, the Central Bank has implemented features regarding electronic customer due diligence, that is, electronic know your customer (e-KYC) database that would enhance national anti-money laundering safeguards around retail transactions and mitigate hurdles to accessing basic financial services.

Regulating the Digital Asset Space

The Digital Assets and Registered Exchanges

Act, No. 28 of 2020 (“DARE”) was brought into force on December 14, 2020. DARE regulates the issuance, sale and trade of digital assets, in or from within The Bahamas and provides for the registration and regulation of digital asset businesses (DABs) and digital asset service providers (DASPs). Pursuant to Section 7 DARE it is unlawful to carry on or be involved in a digital asset business in or from within The Bahamas unless registered under the Act. Section 6 of DARE defines a digital asset business as including the business of:

- “(a) a digital token exchange;
- (b) providing services related to a digital token exchange;
- (c) operating as a payment service provider business utilising digital assets;
- (d) operating as a digital asset service provider, including providing DLT platforms that facilitates
 - (i) the exchange between digital assets and fiat currencies;
 - (ii) the exchange between one or more forms of digital assets; and
 - (iii) the transfer of digital assets;
- (e) participation in and provision of financial services related to an issuer’s offer or sale of a digital asset.
- (f) any other activity which may be prescribed by regulations.”

DARE also mandates that DABs and DASPs implement the comprehensive anti-money laundering and combating the financing of terrorism requirements that financial institutions or designated non-financial businesses or professions are already required to comply with.

The Dangers of Crypto

In 2021, cryptocurrency was considered the ‘get-rich-quick’ craze of the pandemic. Cryptocurrency has advantages and disadvantages, and investing in cryptocurrency is considered a risky venture. The recent crash in the cryptocurrency market has been widely reported. Doing one’s research and being

aware of the risks involved is prudent prior to making any investment. Virtual currency is no different.

As digital currency and the digital asset landscape develops, it will be exciting to see what happens in this space in the future.

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To learn more about cryptocurrency visit some of the works referenced and cited

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Hybrid Learning from a Bar School Perspective -

Rayshon Deleveaux - Year 2 Student

With the emergence of the global pandemic, many businesses and industries were forced to improve and revamp their daily operations and develop unique and innovative ways to produce and deliver their products and services to the public. The education industry which includes bar vocational schools was no exception. Educational institutions around the world have adapted their strategies and implemented flexible tactics which are well-suited to fulfill their teaching mandates and quality standards for the delivery of education while also being attentive to students' individual circumstances, needs and concerns.

As of May 2022, the Eugene Dupuch Law School (EDLS) located in Nassau, The Bahamas, officially delivered two full years of virtual instruction and training. Throughout this period, instructors, staff members and students at this prestigious law school have demonstrated commendable perseverance throughout all the hurdles which accompanied virtual learning.

However, with the expiry of the Emergency Orders, and

the relaxation of some health and safety COVID-19 protocols, persons are both eager and cautious to return to pre-COVID levels of social activities and engagement and human interaction in all aspects of their lives. EDLS must now re-engage with the traditional model of face to face instruction while integrating the technological tools and teaching strategies and tactics successfully employed during the pandemic. Therefore, with continued focus on providing the best learning experience that it can, EDLS will be implementing a new hybrid system of learning for the 2022-2023 Academic Year. This hybrid learning system will promote a mixture of both in-person and online methods of instruction.

According to Reasons et al. (2005) page 84, "*hybrid courses offer a combination of traditional and online teaching approaches, the intention being to provide the benefits of strategically timed class meetings coupled with the convenience of online learning activities*". However, with the introduction of this new method of learning at EDLS one cannot help but ask the question "*What do the*

students and lecturers of the Eugene Dupuch Law School think about hybrid learning?". In examining this question, it can be reasonably asserted that similar to any other topic for debate, hybrid instruction also possess it pros and cons.

A Student's Perspective From a student's perspective, a positive of this new hybrid system of learning may be less distractions during a class session. As a student, I cannot count the number of times I was interrupted or distracted by a family member while I was in an online class. These interruptions or distractions are understandably sometimes unavoidable given the various changes that had to be made to the home environment in order to accommodate the work, school and other obligations of the various members of a household. Students also faced additional distractions or interruptions from pets, noise from neighbours, surprise visitors, and much more. Therefore, the implementation of this hybrid method of learning would reasonably minimize to some extent the level of Distractions students experience during class sessions.

During the two years in which the Law School has

delivered its curriculum online, a common topic of discussion among students was their inability to properly connect with their colleagues and lecturers. Therefore, with this new hybrid method of learning, students will be able to build greater rapport with their colleagues and lecturers and develop stronger connections and relationships.

However, there is also a flip side to this coin of hybrid learning. A major concern that continues to plague the minds of many students at the Law School is whether they would truly be safe returning to in-person classes during an ongoing pandemic. No matter how secure a school purports to be, there is still a chance of virus exposure. So, in addition to the immense pressure and stress that students of EDLS will, without a doubt, face now comes an additional stress factor of safety. Faced with a return to school, it is reasonably foreseeable that there are students who would stress about the potential exposure risk to COVID-19 and the need to avoid contact with other individuals while at the school's premises. Students concerned about their safety will be inclined to weigh the impact of contact in many situations which may impact their involvement with not only class sessions but extra-curricular activities of the Law School. Students may question for example,

whether it is okay to have lunch in public or whether it is safe to return home after spending hours in a huge group. As a result of this additional stress factor, students who are uncomfortable with physically attending Law School may limit their level of attendance, participation and/or involvement which, in the long run, may adversely affect their academic progress in the programme.

The reality though is that the risk of exposure exists wherever we go. The Law School has put in place various measures to promote a safe school environment and reduce the risk of exposure.

A Teacher's Perspective

Through their commendable efforts, the lecturers at this fine institution have chosen to power through all of the hurdles that accompanied online learning and gave their best when it came to educating their students. However, though they have had success in educating on a virtual platform, it can be asserted that lecturers also benefit from the implementation of a hybrid system of learning. The recommencement of in-person lessons provides lecturers with a more steady and reliable way of delivering course material to their students. No longer will a lecturer be forced to cancel a

class due to internet issues or disconnections to the electricity supply. Furthermore, lecturers will also be able to build a better rapport with their students which in return will allow them to more readily identify students who may be struggling in order to offer additional help such as coaching opportunities.

Conclusion At the end of the day, no matter one's views on the implementation of a hybrid model of learning one thing is for certain, institutions such as the Eugene Dupuch Law School are doing their utmost best to successfully train the attorneys of tomorrow whilst implementing appropriate safety policies and systems for the benefit of all parties. We must therefore employ our best efforts to adapt and observe the policies and procedures implemented in support of the delivery of the hybrid methods of legal training at EDLS.

Note: This article considers the Year 2 programme. EDLS utilizes the Canvas Learning Management System. For the Academic Year 2022-2023, Year 2 students will be required to attend classes in person while teaching for Year 1 Students and students enrolled in the Six-month programme will be delivered online. Guyanese students will continue to receive instructions online. 🙏



EFFECTS OF COVID-19

The Triggering Effects and Consequences of COVID-19 on Employers and Landlords

Betty Wilson - Year 2 Student

In March 2020, the World Health Organization announced COVID-19 as a global pandemic. Subsequently, countries worldwide implemented curfews and lockdown measures to reduce transmission rates. Disruptions caused by COVID-19 demonstrated that it was not sustainable for most businesses to operate in their usual way, if at all. Its devastating impact on businesses and the dependent workforce can be measured using the International Labour Organization's most recent report, which showed 114 million jobs lost in 2020. Additionally, the 2020 Report of the Organization for Economic Co-operation and Development (OECD) on the global effects of COVID-19 highlighted the vast number of renters who could not meet their rental commitments. While illness and death as a result of the pandemic affected the financial means of many households, loss of jobs was a significant contributor to the inability to pay rent. However, notwithstanding the significant negative impact of COVID-19 on the lives and livelihoods of many persons, businesses, including employers and

landlords, were still required to meet their legal and financial obligations.

At the onset of the COVID-19 global pandemic which brought the world to a halt, world and business leaders had to pivot quickly to pursue continuity of business operations while prioritizing employee safety. To achieve this, many organizations restructured their operations through remote work, reduced work weeks and temporary layoffs. Temporary layoffs presented one of the most significant challenges for employers for reasons which included the state of the governing labour laws and the uncertainty of the pandemic.

The Employment Act prescribes the circumstances under which an employer can temporarily lay off an employee for a limited period without severing the employment relationship (*Section 28 Employment Act as amended by the Employment (Amendment) Act No 5 of 2017*). During the layoff period, an employee has the same rights as any other employee, including the right not to be unfairly dismissed. Pursuant to *Section 28C (1)* of the *Employment Act* an employee (not engaged in

a seasonal industry) who has been laid off for a continuous period of at least twelve weeks is deemed to have been made redundant. Redundancy terminates the employment relationship. After the onset of COVID-19, The Bahamas witnessed an extraordinary number of layoffs. The intervention by the government regarding the unprecedented number of layoffs resulted in the implementation of the Emergency Powers (COVID-19) (Special Provisions) (Amendment)(No.6) Order, 2020, which suspended *Section 28(C) The Act* for 30 days after the end of the state of emergency.

As the special provision to suspend *Section 28C of The Employment Act* officially ended in November 2021, employers are obligated to bring employees back to work or make them redundant.

Decisions in employment disputes arising from the pandemic can shed light on considerations to be borne in mind by an employer contemplating terminating the employment relationship. In *Mhindurwa v Lovingangels Care (Case Number: 3311636/2020)*, a United Kingdom employment tribunal

found that a live-in care worker had been unfairly dismissed when her employer failed to consider furlough as a viable option prior to making her redundant. The judge opined that having regard to the pandemic's uncertainty a reasonable employer would have laid off the employee for some time to determine whether her services would be needed in the near future. In contrast, in *Handley v Tatenhill Aviation Limited* 2603087/2020 the employment tribunal decided that it was not unfair for an employee to be made redundant even though his employer could have chosen layoff for a more extended period. The employer having weighed furloughing the employee against its economic costs and the uncertainties of the pandemic, the judge stated that “[i]t is for an employer, not the employment tribunal, to decide how to structure its business and whether to make redundancies”.

While that may be so, an employer must ensure that they adhere to the requirements outlined in the Employment Act, namely that the redundancy is genuine, that there is transparency and fairness in the process and that the legal obligations are met.

These legal requirements for making an employee redundant were illuminated in *Kayla Ward et al. v Gaming Board* (2017/CLE/gen/1506). One of the legal issues determined

was whether the employer followed the proper redundancy procedures when terminating thirty six Gaming Board employees. The Court explained that where redundancy is contemplated, a series of events are triggered before executing the redundancy (**Section 26A Employment Act**). The events triggered include informing the recognized trade union or the employee's representative of the pending redundancy and related information, including the reasons for the contemplated dismissal, the number and category of employees likely to be affected, the period for carrying out the redundancy exercise, and possible measures to avoid the redundancy. Additionally, where the redundancy involves twenty or more employees, the employer must consult with the Minister responsible for Labour in writing no less than two (weeks before contemplating the redundancy and provide the applicable information relating to the exercise. **Section 26A(3) of the Employment Act** provides that where an employer fails to give the required notice to the Minister, the employer shall be subject to pay each affected employee thirty days' basic pay in addition to any payment the employee is entitled to. The case is

instructive in reminding employers that even if employees were laid-off and redundancy is being contemplated, the provisions of the Employment Act must be followed to avoid any additional financial obligations to the affected employees.

The pandemic put a spotlight on direct correlation between the unprecedented unemployment rates and challenges faced in landlord and tenant relationships. Similar to the issues confronting the employer-employee relationship, governments worldwide sought to implement various measures to balance these relationships. The OECD 2020 report indicated that Spain introduced a moratorium on rent payments for significantly impacted tenants who rented from large-scale landlords. Austria, Germany, Mexico and Portugal allowed severely affected tenants to postpone rent payments for the months of strict lockdown. In Greece, the government sanctioned a temporary reduction (of up to 60%) of rent payments for tenants who lost their jobs during the pandemic. Standing in solidarity with global efforts, The Bahamas government introduced a Rental Assistance Programme placing a moratorium on evictions and the disconnection of essential services of eligible residents. The programme included a 40% temporary reduction for

three months in rent payments up to \$2,000 per month, which had to be repaid to the landlord within twelve months. These intervention measures appeared to resonate with the broader population. People generally understood the need for housing and social stability and also the government's effort to control increases in homelessness. However, the intervention measures also incited freedom and privacy of

contract concerns and constitutionality issues. From the landlord's perspective, the loss of jobs and inability to pay rent also had a triggering effect on their inability to meet financial obligations such as mortgages, insurance, property repairs and creditors.

While some people and countries appear to be regaining some form of normalcy, the effects of the

pandemic will linger. The consequences specifically triggered by the pandemic on the employer and employee and landlord and tenant relationships, and reactions taken by governments worldwide presents an opportunity for revision of laws and the engagement of the relevant stakeholders to ensure that all relevant interests are considered and protected. (1)



Improving Access to Justice with CLAP

By: DeVaughn Rolle - Year 2 Student



“How is the poor man or woman to be enabled to assert his or her right at law?” - Lord Bingham, The Sixth Sir David Williams Lecture, The Rule of Law.

In life, every day we are faced with challenges; and for many of us, these challenges involve the law and require legal expertise to solve them. Scores of families throughout our nation are in need of legal assistance due to legal issues of varying complexity which affect their daily lives such as foreclosures, unlawful evictions, unfair job terminations, child and domestic abuse, divorce and separation, personal injury claims, guardianship or custody disputes, traffic matters and criminal offences. Countless citizens faced with legal issues have no legal representation because their access to justice is impeded or sometimes denied. For some, these impediments arise due to the high cost of legal representation, ignorance of their legal rights, the available services and procedures, and how to access them.

Lord Bingham, in his lecture on *“The Rule of Law”*, delivered in 2006 at the Centre for Public

Law, examined the scope of the rule of law and created a series of eight (8) sub-rules to explain its importance. His Lordship highlighted as his fifth sub-rule, the importance of providing access to justice. Bingham stated that *“means must be provided for resolving without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve.”* He then noted the importance of addressing these issues with the assistance of Legal Aid. In Lord Bingham’s eyes, an individual’s unimpeded access to judicial services and legal process was, at its helm, one of the most basic rights which the rule of law sought to protect.

With this understanding, the Eugene Dupuch Law School (EDLS) is to be celebrated for the launch on June 8, 2022 of its Community Legal Aid Programme (CLAP), which offers free legal advice to the community at large. CLAP is a partnership between EDLS, the Office of the Attorney General, The Bahamas Bar Association and The Caribbean Agency for Justice Solutions. Principal, Tonya Bastian Galanis explained that the goal of CLAP is *“to increase access to justice*

for members of the public by making legal advice and services more available”.

CLAP boasts of its plan to leverage technological advancement with the implementation of its innovative Mobile Legal Audit Unit with the purpose of ensuring that CLAP’s presence is seen and felt throughout the communities of the capital and the nation at large. The Programme uses a platform developed by The Caribbean Agency for Justice Solutions which includes a website www.accesslegal.com. On the website, anyone seeking legal aid will be able to schedule face-to-face and virtual consultations. Executive Director for The Caribbean Agency for Justice Solutions, Bevil Wooding stated that the AccessLegal platform is presently the region’s *only* technology platform which is designed and dedicated to addressing all service delivery needs of legal aid clinics and pro bono service providers.

According to Mrs. Nicole Sutherland-King, Director of the Legal Aid Clinic at EDLS, CLAP will conduct legal aid fairs in communities across the country. The Director stated that at these events, there will be teams of volunteer attorneys, paralegals and law students who will go into communities that have been identified as having the greatest needs, to meet with members of the public and provide them with free legal consultations as well as advice and if necessary, legal representation. Mrs. Sutherland-King added that CLAP’s assistance does not end with just advice or consultations, but that CLAP’s volunteers will assist those needing support with understanding and navigating magistrate’s court matters, filling our magistrate’s court forms along with teaching persons how to log on for virtual hearings.

CLAP’s genesis, according to the Director, is



as a result of a vision which began many years prior. She stated “[t]hrough the Legal Aid Clinic, we have been providing legal aid for more than 20 years and are acutely aware of the ongoing need for legal aid in the country, especially relating to civil matters. It is our responsibility to ensure that Bahamians understand their legal rights and options; that they know how to access the remedies available through the legal system and can secure the help of legal counsel to do so where necessary.”

So far CLAP has held two community clinics. The first Clinic was held on June 25, 2022 at the Columbus Primary School while the second was held on August 27, 2022 at the Myles E. Munroe Diplomat Centre, Bahamas Faith Ministries.

I commend EDLS for the implementation of CLAP and beseech my fellow attorneys-in-waiting, the 2022 Graduating Class and well as incoming Year I and Year II students to fulfil our duty to our community by volunteering our services to help serve the people of our nation by providing access to justice and greater opportunities for fair outcomes.

“How is the poor man or woman to be enabled to assert his or her right at law?” It begins with volunteerism and CLAP. 🇧🇸

STAFF MATTERS

What matters to staff, matters to all because they are the team that facilitates the dream.

Goodbye...for now

After 19 years of service, **Mrs. Carla Card-Stubbs** has decided “it’s time”. Time to master new things! For all these years at EDLS she taught various subjects including Probate Practice and Procedure, Landlord and Tenant, Law of Remedies and Trial Advocacy I.

She worked with many teams for various mooting competitions. She lost a few and won many. Mrs. Card-Stubbs was also EDLS’ Creative Director. The annual EDLS Dis We Bar variety concert was brought to stage many years because of the creativity, hard work and dedication of Mrs. Card-Stubbs.

A 1993 graduate of the Norman Manley Law School, Mrs. Card-Stubbs spent the larger part of her professional life progressing the work of the Council of Legal Education. Council is grateful and so is EDLS. She will be missed by all colleagues and students alike.



Mrs. Carla Card-Stubbs

Also leaving us this year are—

Recently appointed Chief Justice, **The Honourable Mr. Justice Ian R. Winder**. Chief Justice Winder taught Civil Procedure and Practice at the Law School for many years. After ascending to the Bench, he would move from the position of a full-time Tutor to that of an Associate Tutor- always staying close to his beloved EDLS. We thank him for the years of service, and we look forward to the new paths we will walk together in his new capacity. We wish Justice Winder well in this new post.



The Honourable Mr. Justice Ian R. Winder

Mr. Munroe, Q.C. was an Associate Tutor with the Law School for over 15 years. After his party won the general elections of The Bahamas in September 2021, he was asked to sit in the Cabinet as the Minister of National Security. We wish Mr. Munroe all the very best, even as we

lament no longer having him on staff.

While we know we have their support whenever needed (and they have ours), we accept that theirs is a higher calling now.



The Honourable Minister Wayne Munroe, Q.C.

The following Associate Tutors will not be a part of the teaching staff for 2022/2023. Whilst they step aside, for whatever length of time, we wish to let them know that they are appreciated and will be missed.

The Honourable Madam Justice Deborah E. Fraser - Associate Tutor for Legal Drafting and Interpretation.



Mr. Edgar Moxey - Course Director of Law Office Management, Accounting and Technology.



Ms. Samantha Williams, Course Director for Law Office Management, Accounting and Technology and previously Course Director for Landlord and Tenant.



Mrs. Michelle Petty Horton - Course Director for Family Law.



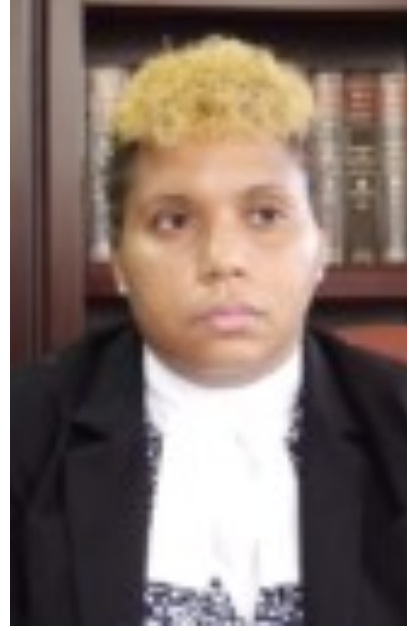
Mrs. Cheryl Whyms - Associate Tutor for Civil Procedure and Practice I



Ms. Damara Dillett - Associate Tutor for Probate Practice and Procedure



Ms. Christina Galanos - Associate Tutor for Law of Evidence



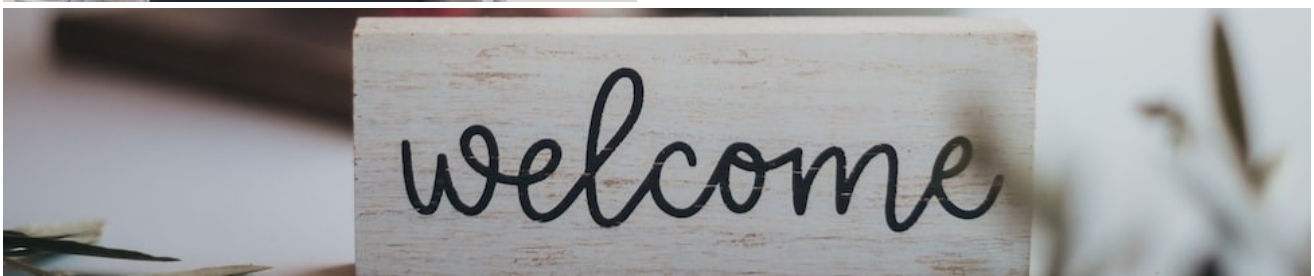
Your EDLS family says thank you to you all. We could not do it without you!!!

Welcome Aboard!



We are happy to welcome aboard -

Ms. Pauline Seymour. Ms. Seymour is no stranger to us as she has served as the Course Director for Law of Evidence for the last 2 years and Associate Tutor for Law Office Management, Accounting and Technology for a few years prior to that. Ms. Seymour now joins us in a full-time capacity as Course Director for Law of Evidence and Probate Practice and Procedure, as of August 2022. Ms. Seymour is an EDLS graduate and has worked in the Compliance and Financial





Mr. Keenan Johnson In August 2022, Mr. Keenan Johnson joined EDLS as a full-time Tutor. Mr. Johnson will be the Course Director for Law Office Management, Accounting and Technology and the Associate Tutor for Remedies. He has worked in corporate Bahamas for many years and now brings those skills to bear at EDLS.

Mrs. Hydeia Braynen, Accounts Clerk, joined EDLS in June 2022.

Ms. Kadren Carey joined the Law School in July 2022 as an Executive Secretary to the Office of the Registrar.

Ms. Jewel Johnson, Receptionist, joined the EDLS staff in June 2022.



We also welcome the following Associate Tutors for 2022/2023

The Honourable Madam Justice G. Diane Stewart –returning once again as Associate Tutor for Civil Procedure and Practice II. Welcome back!



The Honourable Madam Justice Camille Darville Gomez returning as Associate Tutor for Probate Practice and Procedure. Welcome Back!



Mrs. Giahna Soles-Hunt returning to her beloved Civil Procedure and Practice I and Family Law as Associate Tutor. We welcome her back and congratulate her on her recent appointment as Partner at the law firm Ginton, Sweeting, O'Brien.



Ms. Cordell Frazier joining us for the first time as the Associate Tutor for Law of Evidence and Trial Advocacy II. She is an EDLS graduate and so we welcome her back to these “halls” but in a new capacity.



Ms. Latoya Greene joining us for the first time as the Associate Tutor for Legal Drafting and Interpretation for the two-year programme. She is also an EDLS graduate.



Ms. Knijah Knowles joining us for the first time as the Associate Tutor for Trial Advocacy I for the two-year programme. She is also an EDLS graduate.



For the 2022/2023 academic year, ELDS will be the only Law school offering the 6-month transitional programme. To ensure that Commonwealth Caribbean is represented in the teaching staff and to tap into the power of our network, some persons from across the region will assist with teaching the various subjects for this programme. The Associate Tutors joining us for this special occasion are:

The Hon. Mr. Justice Westmin James, Atcg. Justice of the Supreme Court of Barbados – Course Director for both Constitutional Law and Legal Drafting and Interpretation (an optional 6-month subject) Associate Tutor for Law & Legal Systems of The Caribbean. Justice James is a citizen of Trinidad and Tobago and has been a lecturer in law at the University of the West Indies, Cave Hill Campus since 2011. He is also a judge at the Caribbean Community Administrative Tribunal, a judge at the Inter-American Development Bank Administrative Tribunal and is an acting Judge of the Supreme Court of Barbados.



Ms. Michelle Solomon-Baksh - Course Director for Criminal Practice and Procedure. Ms. Baksh is a national of Trinidad and Tobago and is one of a few seasoned female advocates at the criminal bar. Ms. Baksh was in private practice for nearly 15 years and in 2017 became the Deputy Director of the Police Complaints Authority.



The Honourable Mr. Justice Vasheist Kokaram – Course Director for Advanced Civil Procedure and Practice (an optional 6-month subject). Justice Kokaram, a citizen of Trinidad and Tobago was in private practice from 1995-2009 advocating in the civil litigation department. In 2009 Justice Kokaram was appointed a Judge of the Supreme Court of Trinidad and Tobago. In 2020 he was appointed a Justice of Appeal of the Supreme Court of Trinidad and Tobago.



Mr. Terrence Williams - Associate Tutor for Criminal Practice and Procedure. Mr. Williams is largely based in Jamaica and has been in practice since 1990. Mr. Williams has served as the Commissioner of the Independent Commission of Investigations in Jamaica. Mr. Williams has appeared in a number of notable cases which are widely referenced in contemporary legal writing.






Crossword Puzzle!

The Law

B A I L Z Y C A C O V D A Q G P S W A L F P J
R Y G K J E A T T O R N E Y Q C V C M N D I U
T Z U S E Q Q J K I D G S T R I A L S O E O S
H A I N O T G U I L T Y O Q N Q M O X I C T T
Q H L V M L C O N V E Y A N C I N G F T N N I
A B T E Z F O M E D I A T I O N F R Z A E E C
P M Y R V C A A L O U Y C R I M I N A L D M E
P N T D E S R L E K Z B T H M T A X F S I E T
E Q Y I G B G L O T Z R M E H A V C Q I V L C
A O R C D U N O I T A I T O G E N X W G E T O
L Z N T U U Z R E T A B O R P L C P A E C T U
L E V B J L B J G L E G A L A I D I D L F E R
B H X C R A D J O U R N M E N T Q Q V W V S T
I Y R U J A A W M Y I D J S X S I I Z I J M B
E X N D W T C O N S T I T U T I O N A K L H T
E T H I C S A U J U D G M E N T F S P M F Q Q

Find the following words in the puzzle.

Words are hidden     and .

CONSTITUTION
CONVEYANCING
ADJOURNMENT
LEGISLATION
NEGOTIATION
SETTLEMENT
NOT GUILTY
MEDIATION

ADVOCACY
ATTORNEY
EVIDENCE
JUDGMENT
CRIMINAL
LEGAL AID
JUSTICE
VERDICT

PROBATE
GUILTY
ETHICS
APPEAL
TRIAL
COURT
CIVIL
JUDGE

JURY
BAIL
LAW



EDLS