



THE VERDICT

EUGENE DUPUCH LAW SCHOOL MAGAZINE

*Eugene Dupuch, Q.C. - Celebrating
a Lawyer and a Gentleman*

*Leveraging Technology to Survive
the Covid-19 Pandemic*

*A Call to Action: Sir Brian Moree
Addresses the 2022 Graduating
Class*

*The Sexual Offences Act and
Marital Rape – A Human Rights Matter*

*The Bahamian Culture is more than
just Junkanoo* 

VOLUME 5 ISSUE 1 DECEMBER 2022

Table of Contents

1. Principal's Message.....	3
2. EDLSSA President's Message.....	4
3. Message From the Publication Committee.....	5-6
4. Eugene Dupuch Q.C. - Celebrating a Lawyer and a Gentleman.....	7-8
5. Leveraging Technology to Survive the Covid-19 Pandemic.....	9-11
6. Hope In a New Start.....	12-14
7. EDLSSA—Giving With a Spirit of Gratitude	15
8. Taking Care of Your Health to Enjoy Your Wealth	16-19
9. Our Fun Run Walk	20-21
10. A Roundtable Discussion With EDLSSA Past Presidents.....	22-23
11. A Call to Action: Honourable Mr. Justice Sir Brian M. Moree Kt, K.C. Addresses the Eugene Dupuch Law School's Graduating Class of 2022	24-26
12. Here We Are Finally Face-to-Face.....	27-28
13. The Sexual Offences Act and Marital Rape - A Human Rights Matter	29-33
14. What Every First Year Law Student Should Know	34-36
15. American Caribbean Law Initiative: An Invaluable Experience.....	37-38
16. Embraces the Shared Experiences of ACLI.....	39
17. The Bahamian Culture is More Than Just Junkanoo.....	40-44
18. Meet the Team	45

1

Principal's Message

Tonya Bastian Galanis, Principal, EDLS

Dear Reader,

Many years ago in a sermon at a confirmation service, the priest spoke to the confirmands about 'having the courage of your conviction'. Having courage can show up in so many ways and in or at so many places. Having the courage to speak up as the lone dissenting voice; having the courage to take the first step to a healthier you; having the courage to ask a question, that some may regard as a 'dumb' question, but a question nonetheless that you need the answer to.

In the biblical story of Mary and Joseph, Mary, a virgin, who was engaged to be married to Joseph, was told that she was suddenly pregnant and was going to bear the Son of God. She was 'troubled'. Joseph, after he was told of the situation, was scared but was asked not to be afraid. Whatever your belief, that story is incredulous. But the point is that both Mary and Joseph held strong to their faith – to their convictions and in reliance thereof had the courage to face whatever the future held out for them.

In this season of Christmas as we pause to reflect on the year past and to anticipate the year ahead, let us try to identify those things that we are convinced will propel us along creative, positive, productive and successful pathways. Some of those things will be big and some not so big. It doesn't matter. What matters is that that thing is 'good' for us – that it helps us and is not harmful to others. Then, let us cast aside fear and embolden ourselves to grab ahold of a cup of courage and go after it/them - with conviction.

I extend to the readers of this issue of The Verdict a Merry Christmas and a healthy and happy New Year.



Tonya Bastian Galanis

Principal 

2 | EDLSSA President's Message

Diana Ferreira, Year 2 Student

Dear Colleagues,

We are almost at the end of Term 1 and the year 2022. The year ahead may be challenging, but I'd like to remind you that with each day you are that much closer to the final leg of your journey to become an attorney-at-law. No matter how long it took you to get to this point or what you have endured, you are here at the Eugene Dupuch Law School, and now is the time to make the best of it! Remember that the race is not for the swiftest, or strongest, but those who endure to the end.

Due to the remnants of COVID-19 we are operating under a hybrid system, which has allowed us now to have colleagues that are joining into classroom sessions from across the length and breadth of the Caribbean as well as the wider globe. This is a great opportunity to welcome students not in The Bahamas, as well as celebrate the cultures of our classmates. The connections you make during Law School will continue to flourish throughout your career. Don't be afraid to establish connections now.

While we are here to obtain our Legal Education Certificate (LEC), it is important that you become involved. I implore you to take advantage of the many opportunities that both Eugene Dupuch Law School and the Students' Association will offer you. Push yourself to become well-rounded. Pursue your studies but hone your advocacy skills; give back to the community and develop your social and networking skills.

The road ahead may seem daunting, overwhelming or perhaps impossible. But do not hyperfocus on how much you have to learn, or how long it is going to take. Instead, I encourage you to focus on today, and what you can do to improve yourself for today. Focus on one thing at a time. Place one foot in front of the other and take baby steps towards the journey of securing your LEC. You are capable of great things, you just have to believe in yourself.

I leave you with one of my favourite quotes: "Nothing is impossible, the word itself says 'I'm possible'." – Audrey Hepburn.

Diana Ferreira
EDLSSA President



3 | Message From the Publication Committee

Dear Reader,

To some, a law school is just an institution for legal education and training; but, as members of the Eugene Dupuch Law School, we know better. We know that we are more than that. We know that we are a community.

In the pages of The Verdict, you get a glimpse of who we are as a community. That we are a diverse, adaptable, talented and resourceful community is without question. The 2022-2023 Academic Year saw us widen our geographical embrace to Year 1 and Six Month students located in Jamaica, Belize, Guyana, St. Kitts & Nevis, the United States of America and other parts of the world. Our new cohort have joined us, in record numbers, for online instructions. With the COVID-19 pandemic behind us, we reconnected with our Year 2 students who are, save for those in Guyana, now on campus. With the integration of our Canvas Learning Management System with our newly-acquired Zoom Rooms our blended community are better able to unite and bond as we strive to achieve our common goal of excellence in legal education.

That we are a hard-working community driven by that common goal is also without doubt. On any given school day, our campus awakens well before sunrise as students begin to arrive for the start of those 8:00 a.m. classes. They meet lights already on, coffee already brewing, and staff already here ... the campus is ready. When the sun sets, the campus is quiet but awake and still working. Eventually, the library will close, the lights will go out and the campus will rest. But, the computers are still on.

We are a community that is active and engaged. Learning is a dialogue with each other, an exchange of ideas, a sharing of knowledge and a continuing debate on law and current events. We engage with each other in the classrooms, and in the hallways, the library and other meeting spaces. The engagement spills over on walks to nearby eating establishments or chats in the parking lot. That is a good thing.

We are community that cares for and about each other. We are proud of who we are and what we have accomplished. We rejoice in each other's achievements and showcase our accomplishments with pride. We are connected to the wider community of which we are a part whether through CLAP, the Community-based Legal Aid Programme, or various other social outreach projects.

3 | Message From the Publication Committee *Cont.*

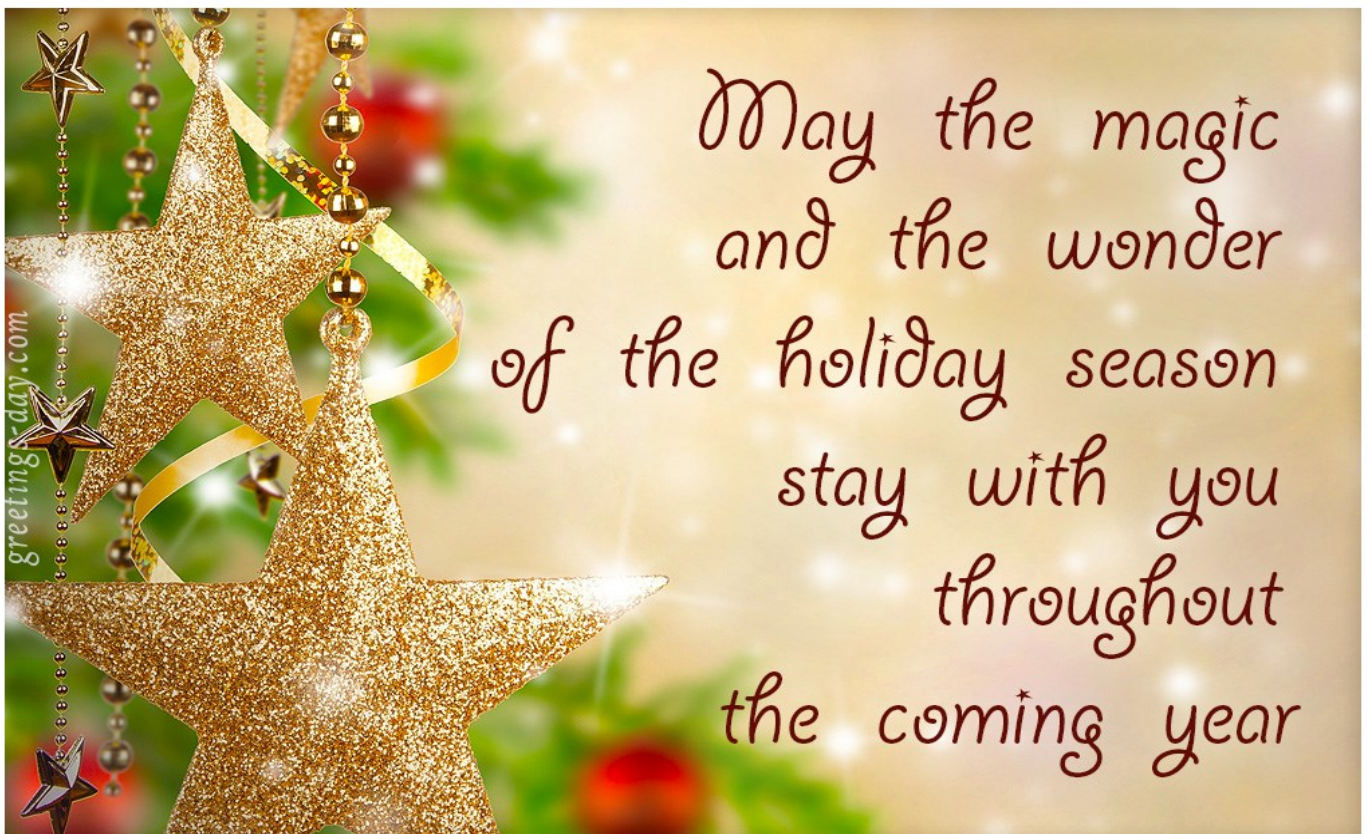
whether it is with a Fun, Fun Run Walk or dining at the Balmoral Club.

We are a community of hope, promise and endless possibilities. So, as we look forward to the New Year, let us leave behind the negative thoughts, attitudes and habits that only hold us back and prevent growth and self-actualization. Let us focus instead on the positives and remember all the things that uplift, strengthen and inspire us. Let us continue to build on our many gifts and talents and explore and tap into our hidden potential. Let us continue to support each other and help each other up. Let us continue to work together to achieve our individual and collective goals and be proud, contributing, thriving members of our EDLS community.

Wishing you and yours a wonderful 2023!

Raquel Williams

On behalf of the Publication Team



4

Eugene Dupuch, Q.C., Celebrating a Lawyer and a Gentleman

Dawn Burrows, Registrar, EDLS



The Honourable Eugene Dupuch, OBE, Q.C., would have been 110 years old on December 7 this year.

As we reflect on his short but impactful 68 years on the Earth, we cannot help but think about what he would have thought about the institution named after him.

All records indicate that Mr. Eugene Dupuch, Q.C. was a multi-hyphenate (a celebrity in The Bahamas for sure). He was highly intelligent yet remained quite humble. He was also a journalist at the Tribune Newspaper. He was an artist of various forms - a poet, a musician, a song writer and the author of the “Smokey Jo” series of short stories. In fact, many of the

“Smokey Jo” stories were performed on the radio and so, he was also an actor. Later in life (in his 30s), he became a lawyer and then a politician, helping to draft The Bahamas’ Constitution and various legislation.

By the accounts of many, he also had a passion for the less fortunate and for justice. He offered free classes to those who wanted to learn more about the law, and he fought against racism and other societal injustices.

When he passed away in 1981, the Eugene Dupuch Law School, under the Council of Legal Education (the Council) had not yet been established. It would be some 17 years later, in 1998, when the Council, in partnership with the Government of The Bahamas, would launch its third Law School in the Commonwealth Caribbean, in The Bahamas and name it after this esteemed gentleman.

4 | Eugene Dupuch, Q.C., Celebrating a Lawyer and a Gentleman *Cont.*

The Eugene Dupuch Law School (EDLS) has taken the Council's mandate to facilitate the development of competent legal practitioners for the region very seriously, as did the Queens-Counsel, the Honourable Dupuch, OBE. I believe he would be quite proud to have his name associated with this Law School for the past 24 years. Afterall, the Law School has trained over 500 attorneys, from all over the Caribbean. Many of these attorneys have gone on to accomplish great things in various fora.

EDLS' mission statement is "to produce, through excellence in legal education, competent attorneys who are knowledgeable in the law, skilled in the practice of law, and are imbued with integrity, high ethical standards and a sense of social responsibility and service to the community". Surely, this good gentleman would have approved of this mission as his life's work embodied all of these things.

It is with great pride that I can say that EDLS gives back to the community regularly through its various seminars extended to the public for free and through its free legal advice clinics. I imagine Mr. Dupuch would have been there, most of the times, if not, every time.

He would also be proud that the Law School takes time to relax and have fun through its annual variety concert called "Dis We Bar" (suspended for the past 2 years due to the global pandemic). This show brings staff and students together for dancing, singing, acting and whatever other talents are represented in the group. The funds raised by way of tickets sold are given to a charitable cause. I am certain that he would beam with pride.

Last but not least, this publication would no doubt have brought him joy. As a journalist at heart, no doubt he would be very proud of the fact that the bright minds of EDLS come together regularly to report on and explore topical matters. Perhaps he would have even been a regular writer or editor of the same.

What is the Law School's 110th birthday gift to this honourable gentleman whom it is named after? To carry on his legacy by embracing the arts; cataloguing the sojourn of all who pass through these halls; maintaining a robust programme that ensures that we produce competent attorneys; and giving back to the communities we serve. Our gift to him is excellence in legal education and commitment to social service (which is EDLS' motto).



5 | Leveraging Technology to Survive the Covid-19 Pandemic

Stuart Taylor, IT Manager, EDLS

You Made It! The worst of the Covid-19 pandemic appears to be over, and life is slowly getting back to normal. Admittedly, the life challenges caused by COVID-19 were significant to some and extremely painful for others. The disruption of the traditional in office work protocols proved an opportunity for all of us to up-skill in technologies that prior to 2020 were somewhat obscured. Let's face it, how many of us thought Zoom was something other than what you do with a photo camera lens? Businesses had to pivot on the fly to service their clients and get work done, so did the Eugene Dupuch Law School (EDLS). What are some of the technology improvements that impacted EDLS?

Virtual Classes and Meetings



Prior to the Covid-19 pandemic, virtual meeting platforms like Zoom, Webex, Goto Meeting, Microsoft Teams and Google Meet were tools for a select few within organizations. With social distancing, gatherings prohibited, and other government mandated protocols,

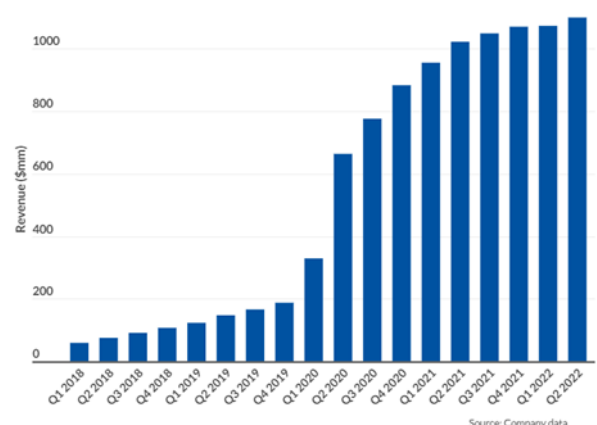
these platforms became mainstream productivity tools. The use of these tools also transcended the workplace and religious and educational institutions, which were all swept up in the video conferencing revolution. Probably more impactful in the knowledge-based

5 | Leveraging Technology to Survive the Covid-19 Pandemic *Cont.*

business community was the realization that you can get work done outside of the physical office space. In fact, post-pandemic, many businesses still employ some variation of remote office work.

A hybrid environment allows companies to reduce their physical footprint, thereby reducing their operating expenses, while maximizing employee productivity. In fact, a Stanford University study of over 16,000 workers over a 9-month period found that worker productivity improved by 13% while working remotely. In the meantime, video conferencing companies experienced record profits since the beginning of the pandemic (Fig. 1).

Zoom quarterly revenue 2018 to 2021 (\$mm)



Graph source: Zoom Stock: More Downside Risks Ahead, Sell (NASDAQ:ZM) | Seeking Alpha (Accessed December 6, 2022)

In the education arena, a recent study by Soocial.com revealed that 73% of students want some of their courses to remain entirely online post-pandemic.

Virtual Work at EDLS

Like other educational institutions, the

Eugene Dupuch Law School had to pivot to the virtual space at record pace to enable continuity in the student learning experience. Critical to this process was the introduction of an online Learning Management System (LMS). A rapid deployment team consisting of key stakeholders was assembled that evaluated the three leading LMS tools: Moodle, Blackboard, and Instructure's Canvas. After careful review, the team recommended Canvas as the LMS platform for EDLS. This recommendation was rapidly followed by solution implementation, integration with our virtual meeting system, and a coordinated training initiative involving both faculty and students.

At the start of the 2020 school year, EDLS was able to deliver lectures and tutorial sessions in compliance with all government mandated protocols. From a productivity perspective, the institution was already using the Microsoft Office 365 online platform, which allowed us to dovetail smoothly with the Canvas LMS to enhance the student experience.

The Next Stage

Early 2022, the decision was made by the Council of Legal Education (CLE) that EDLS will have to manage a hybrid learning environment relative to its Year II cohort. The institution commenced a transition back to face-to-face learning for the majority of its Year II cohort while maintaining online instruction for its Year 1 and Six Month

5 | Leveraging Technology to Survive the Covid-19 Pandemic *Cont.*

students. With some Year II students located in Guyana, the task was to implement a solution that would, as much as possible, provide these remote students with an on-premises learning experience. EDLS opted to expand its Zoom virtual platform by implementing the Zoom Rooms technology in the Lecture Hall. With its modest learning curve and early adoption by Tutors, hybrid instruction commenced on the first day of 2022/2023 classes. Possible expansion to the Moot Court is currently being reviewed.

Reinforcing the Infrastructure

With the transition to reliance on internet services as a core component of the learning experience, network availability moves onto the critical path. To mitigate disruptions, EDLS engaged the services of a redundant Internet Service Provider. This ensured that should we lose internet connectivity from the primary provider; the learning experience can continue using the backup. System changes were made to automate this failover process to ensure there is no loss of service by users .



Legal Aid Clinic

A key requirement of the learning experience for Year II students is engagement with the EDLS Legal Aid Clinic programme. Participation in the on-campus lab environment, despite the necessary precautions being in place, was not a possibility under the Covid-19 protocols. EDLS configured and leveraged the online feature of Practice Management Software to facilitate student exposure to real-life law practice tools and environment, while at the same time operating in a virtual space.

Summary

While the COVID-19 pandemic caused unspeakable pain and suffering for many, it also served as a catalyst for change in the traditional on-premises business model. Despite the elimination of virtually all governmental protocols, remote work is now an integral part of many organizations' employment regime. The resiliency created by the pandemic provides companies with the ability to pivot in response to potential future natural or man-made disasters.



6

Hope In a New Start

Bernice Wright, Year I Student

With new beginnings comes a plethora of emotions including excitement, uncertainty and in my case - fear. There is a saying, “The start of something new brings the hope of something great. Anything is possible.”- Author unknown. Little did I know, I would come to learn the validity of this statement sooner than I expected.

Tuesday September 20, 2022, marked the commencement of a new journey for my colleagues and I at the prestigious Eugene Dupuch Law School (EDLS) located in New Providence, The Bahamas. The Law School made much effort and accommodations to ensure, so far as practicable, that we were given the full experience of Orientation Week in a virtual environment. We were officially welcomed by the Principal, herself, Mrs. Tonya Bastian Galanis. She then introduced the Law School’s faculty members and made us aware of all the other honourable people behind the scenes that played a vital part in making the institution great.

We were addressed by the IT Manager, Mr. Stuart Taylor; the Librarian, Mrs. Gayvelle Davis and so many others that equipped us with sufficient tools for the year ahead. There were two main highlights for me on this day. Senior Tutor, Mr. Clive Guy, gave a speech that resonated with me. He said, “something motivated you to do law. On those days when you think you cannot make it, remember why. Why did you start in the first place? Remember yourself and your dreams. You can change your whole bloodline.” Immediately, something ignited in me. Also, fuel was added to the fire when Mrs. Dawn Burrows, the Registrar of EDLS, opened her address by playing the song, ‘Unstoppable’ by Sia. The lyrics, “I’m unstoppable, I’m invincible, I’m so powerful and I’m so confident;” amplified through my speakers like a resounding gong in my mind. Suddenly, I was reminded of my strength, my reason and despite my fear, I gained hope. Later, a VLex session was held to aid students in utilizing the legal software. Then, Eugene Dupuch Law School Students’ Association (EDLSSA) Returning Officers, Mr. Darron Ellis & Mr. Keenan Johnson conducted a segment where they explained the nominations and elections process.

On Wednesday, September 21, 2022, we had our first introductory lectures, which continued throughout the week. Amongst our professional tutors, we learned that we were being taught by The Honourable Madam Justice Donna Newton and The Honourable Madam Justice Rhonda Bain, Retired (O.B.) To see so many strong and accomplished women grooming us with all their expertise and experience - the fire of hope in me was set ablaze. We were given the opportunity to introduce ourselves to our peers and lecturers. It was interesting to see so many people, all from different walks of life, gathered for one common goal - to become excellent attorneys.

6

Hope In a New Start *Cont.*

In addition to this, we had a roundtable discussion with Past Presidents of the Eugene Dupuch Law School Students' Association (EDLSSA). This afforded us the opportunity to talk about what to expect at EDLS, life after EDLS and helpful tips to navigate through difficult yet rewarding times. Also, an open forum was held for the candidates vying for positions in the EDLSSA. They were able to inform us of their vision and legacy plans for the student body before Election Day, which was held the following day.

On Thursday, September 22, 2022, Mrs. Constance Delancy, Registrar of the Supreme Court of the Commonwealth of The Bahamas, gave a special lecture on virtual court attendance and netiquette policy. Mrs. Delancy spoke on the importance of professionalism and emphasized the significance of proper court attire and courtroom decorum whether attending court in person or online. Later, the EDLSSA Polls were opened, and we voted for our various representatives.

On Friday, September 23, 2022, we had a keynote address by The Honourable Mr. Justice Loren Klein, Justice of the Supreme Court of the Commonwealth of The Bahamas. Justice Klein highlighted how critical it was for attorneys to comply with the Bahamas Bar (Code of Professional Conduct) Regulations, Chapter 64. He expounded on ethical principles like integrity and trustworthiness. He explained that it is the fundamental quality and duty of the legal profession. Without it, our reputation in the profession would be ruined. Thus, as young attorneys entering the legal arena, we must always pursue our profession with honour.



6

Hope In a New Start *Cont.*

Afterwards, the Law School conducted a student wellness segment led by Dr. Timothy Barrett who spoke on physical and mental health. This was a pivotal point in the week. I learned that there was a stigma surrounding mental health in the legal profession. Dr

student wellness segment led by Dr. Timothy Barrett who spoke on physical and mental health. This was a pivotal point in the week. I learned that there was a stigma surrounding mental health in the legal profession. Dr. Barrett enlightened us on what stress was, how it affected us and ways to cope with it. Moreover, we were informed that the Law School offered six (6) free sessions per student, with Dr. Barrett. On Friday, we were also made aware of the numerous opportunities for extracurricular mootng and participation in specialist clinics. Although the Law School's foundation is excellence in the legal profession, it was clear that they were committed to social service.

On Saturday, September 24, 2022, EDLS organized a fun run/walk for all students, faculty, and staff. This gave persons, especially Year 1- and Six-Months students whose classes are online, the chance to meet and greet everyone including the Year 2 students. Students, faculty, and staff competed for prizes and Year 1 students were able to participate in a special tour of the campus. Orientation Week concluded on Sunday, September 25, 2022, with a church service hosted by the EDLSSA at the Church of God of Prophecy on Carmichael Road.

Overall, the events of Orientation Week demonstrated EDLS' devotion to its students physical, mental, and spiritual well-being. This dedication made me realize that our achievement was also theirs. I vowed to myself to ensure that I met my goals. During this week, I observed different EDLS members make a pledge to do everything they could, within regulations, to help us succeed. I ended the week hopeful because I knew that we formed a partnership for success; and it is with this burning hope I look forward to a great future. (-I)



7 | EDLSSA - Giving With a Spirit of Gratitude

Dancia Knowles, Year 2 Student

Thanksgiving is a time where we express our gratitude for family, friends and food. It is a time to be thankful for the many blessings in our life. It is also a time to remember to use our time, talents and treasures to be a blessing to others.

On Friday December 2, 2022, the Eugene Dupuch Law School Students' Association donated food items collected from the student body to the Great Commission Ministries. The Great Commission Ministries is a non-profit, non-governmental organization located on Wulff Road which assists persons in need by providing food and shelter.

We were so grateful to be able to give back to those in need! 🙏



From left to right: Ava La-Roda, Shaquille Dean, Maxine Bethel, Dancia Knowles, Diana Ferreira, and Ashton Williams

8 | Taking Care of Your Health To Enjoy Your Wealth

Mtumika Lumumba, Year 2 Student

Physical Health: Nutrition

“Good Nutrition is the foundation of good health.” Everyone needs the four basic nutrients—water, carbohydrates, proteins, and fats - as well as vitamins, minerals, and other micronutrients. To be able to choose the proper foods, and to better understand why those foods should be supported with supplements,

digestive, excretory, circulatory and absorptive functions. Carbohydrates supply energy to the body to ensure that it can properly function. Protein is needed for the manufacturing of enzymes and tissues. Fat is a concentrated source of energy for the body. Micronutrients (vitamins and minerals) are needed in relatively small



you need to have a clear idea of the components of a healthy diet.” (Balch, 2006)

Water is involved in every function of the body. It helps transport nutrients and waste products, maintains body temperature, and is necessary for

amounts in comparison to the four basic nutrients. When taking supplements for micronutrients, it’s always important to get them from a reputable source and to speak with a healthcare provider beforehand.

8

Taking Care of Your Health To Enjoy Your Wealth *Cont.*

What's your blood type? According to Joseph Christiano, ND, CNC, CNHP, a naturopathic doctor, certified nutritional counselor and certified nutritional health professional through Trinity College of Natural Health, eating according to your blood type may have a beneficial result in your physical health. Dr. Christiano (2010) states that “Each blood type has different characteristics that allow it to eat, digest, and assimilate food best for that group.” Further, “...with proper diet, including nourishment from the food and supplements specific to your needs, the chance of disease is greatly reduced. In fact, proper diet according to blood type, coupled with exercise enables your immune system to be its strongest.”

Physical Exercise and Rest

It's common knowledge that physical exercise is greatly beneficial to your physical health. A correct balance of activity and rest is another important aspect that attributes to your well-being. Go to the gym if you have time and find a trainer who will help you set up a regime best suited to yourself, your needs, and your time. If you can't go to the gym, do some simple exercises at home. Jumping rope, squats and lifting small hand-held weights are great ways to keep up with your physical health. Most importantly, when you're done exercising and you're at the end of your

day, remember to take an adequate amount of rest.

“How Much Sleep Do You Really Need Each Night?” is an article written by Kittredge (last reviewed March 1, 2022) which states that the amount of “... sleep you need to stay healthy, alert, and active depends on your age and varies from person to person. Most adults need at least seven hours of sleep each night. The National Sleep Foundation (NSF) and a panel of 18 experts combed through more than 300 studies to identify the ideal amount of time a person needs to sleep per day according to their age. They made the following recommendations:

- Young adults (18 to 25 years): 7 to 9 hours of sleep
- Adults (26 to 64 years): 7 to 9 hours of sleep
- Older adults (65 years or older): 7 to 8 hours of sleep”.



8 | Taking Care of Your Health To Enjoy Your Wealth *Cont.*

Mental Health

“What is Mental Health?” The MentalHealth.gov website (last updated February 28, 2022) states that “Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood.”

It is crucial to take care of your mental health. What makes you feel lighter? What relaxes you? These are things that you should consider when taking a break. Lighting a scented candle, taking part in a hobby and going on a walk to enjoy the outdoor atmosphere are all common ways that persons de-stress. As your stress levels decrease, your mental energy increases.



“Physical Activity is Good For the Mind and Body”, is a post that can be

found in “Health and Well-Being Matter” the monthly blog of the Director of the Office of Disease Prevention and Health Promotion (ODPHP) (accessed November 18, 2022). According to ODPHP Director Paul Reed:

“Everyone has their own way to “recharge” their sense of well-being - something that makes them feel good physically, emotionally, and spiritually even if they aren’t consciously aware of it. Personally, I know that few things can improve my day as quickly as a walk around the block or even just getting up from my desk and doing some push-ups. A hike through the woods is ideal when I can make it happen. But that’s me. It’s not simply that I enjoy these activities but also that they literally make me feel better and clear my mind.”

Through this blog, Mr. Reed also makes important note that exercise can play a part in improving your mental health: “Although not a cure all, increasing physical activity directly contributes to improved mental health and better overall health and well-being”.

“Why is physical activity so important for health and well-being” According to the American Heart Association (last reviewed 2017) “Regular physical activity can relieve stress, anxiety, depression and anger. You know that “feel good sensation” you get after doing something physical? Think of it as a happy pill with no side effects! Most people notice they feel better over time as physical activity becomes a regular

8 | Taking Care of Your Health To Enjoy Your Wealth *Cont.*

part of their lives.”

In the book “The Gift of Yoga”, author Gena Kenny (2010) identifies yoga as one form of exercise that can improve both physical and mental health. She points out that “The word yoga means ‘unity’ and is derived from the Sanskrit word ‘yuji’, which means to join. The goal of yoga is to join, balance and harmonise the body, mind and emotions.”

If you don’t have time for yoga, or the motivation to choose a specific exercise, there are other physical activities that can be done to blend seamlessly into your lifestyle. Cleaning your house, tending to your garden and washing your car are things that can be done around your home. Walk to your meeting instead of taking a taxi, use the stairs instead of the escalators and elevators, and if you take the bus, get off one stop early so that you can briskly walk for that final lap to your destination.

Take care of yourself. Take of your health. By doing this you can help make it astronomically easier to focus on your work and your academic achievements. Keep moving forward, both mentally and physically. (I)



9

Our Fun Fun Run Walk

Dancia Knowles, Year 2 Student



9 | Our Fun Fun Run Walk

Dancia Knowles, Year 2 Student

It can be said that running is arguably the most popular sport these days. With that being said, every day while driving we normally see people jogging or walking on the sides of the streets. It should be noted that the uttermost importance of this sport isn't about the training or the fun, but rather the promotion of good health.

On **Saturday, September 24, 2022**, the Eugene Dupuch Law School hosted a **"Fun, Run, Walk"**. Students, staff and faculty competed in school houses for first, second and third place prizes. The event which was held at the end of Orientation Week gave students, staff and faculty the opportunity to interact with each other, especially with the Year 1 and Six-Month students who are receiving all their instructions online. This event was a new activity for Orientation Week but also a welcomed return to fun physical human interaction - something that was missed due to the social distancing restrictions of the COVID-19 global pandemic.

Persons gathered early at 6:30 a.m. at the Law School's premises at the City Corporate Centre in Palmdale and got ready with stretches and warm up exercises led by tutor, Mr. Keenan Johnson. At about 7:00 a.m. the group set out for Paradise Island via Mackey Street, East Bay Street and the old bridge. Once over the old bridge the group headed for the Sir Sydney Poitier Bridge, and then Mackey Street before returning back to the Law School's campus.

Individual medals were given to the first three persons to complete the race. Mr. Calnan Kelly, Year 2 Student outraced the group to secure first place. He was followed closely by Mrs. Nicole Sutherland King, Director of the Legal Aid Clinic and Mr. Darron Cash, Year 2 student who finished in second and third place respectively. Of the 4 school houses, (Blackman, Byron, Davis and Sawyer), Sawyer house received the trophy for having the most member participation in the Fun, Run, Walk.

After a great workout, breakfast was served. Participants were treated to chicken souse and johnny cake or grits at the end of the event. What an amazing way to begin the School Year!



10 | A Roundtable Discussion with EDLSSA Past Presidents

Tamara AC Pinder, Year 2 student

What better way to learn about life as a student at the Eugene Dupuch Law School (EDLS) than from past students who have not only experienced the excitement and toils of EDLS; but who also served in a leadership capacity as past presidents of the Eugene Dupuch Law School Students' Association (EDLSSA) and represented the concerns and interests of the student body. During the orientation event held on September 21, 2022, the student body heard from a panel of EDLS alumni who were past presidents of the EDLSSA. In sharing their experiences, the panel provided students with a roadmap for building a foundation and legacy of success in their academic pursuits while at EDLS as well as for their professional life.

The panel of seven comprised: Mr. Ramonne Gardiner, a 2015 graduate; Ms. Berchel Wilson, a 2017 graduate; Mr. Andrew Smith, a 2018 graduate; Mr. Gabriel Brown, a 2019 graduate; Mr. Nevado Frazer, a 2020 graduate; Mrs. Shaneka Carey, a 2021 graduate; and Ms. Karina Rolle, a 2022 graduate.

During this roundtable talk students were provided with tips on how to navigate the world of EDLS and prospective pupillage.

10 Tips on navigating EDLS and Pupillage

- Remember what drives you to be an attorney.
- Communication is key.
- Be humble and respectful to ALL!
- Have confidence.
- Be willing to expand and grow.
- Work hard but work smarter.
- Learn how to separate and prioritize.
- Set personal boundaries.
- Work hard. Play hard. Give back
- ENJOY THE EXPERIENCE!

10 | A Roundtable Discussion with EDLSSA Past Presidents *Cont.*

The panelists reflected on their experience as students at EDLS as well as their transition to the legal profession as new counsel and attorneys-at-law. Students were encouraged to be courageous in asking questions and in discussing viewpoints among themselves to get another perspective. Additionally, the panelists stressed to the student body the importance of fostering relationships among their peers as the legal fraternity, which we hope to one day be a part of, is one which is built on professional courtesies and respect.

At the end of the Roundtable Discussion, the student body was inspired to be resilient and confident in themselves.



Pictured left to right: Shaneka Carey, Nevardo Frazer, Gabriel Brown, Andrew Smith, Berchel Wilson, Ramonne Gardiner and Raquel Williams

11

A Call to Action: *The Honourable Mr. Justice Sir Brian M. Moree Kt, K.C. Addresses the Eugene Dupuch Law School's Graduating Class of 2022*

Shaquille R. Dean, Year 2 Student



Saturday, September 24, 2022 marked another monumental and historic milestone for the Eugene Dupuch Law School (“the Law School”). The Grand Hyatt Convention Centre, Baha Mar Resort, Nassau, The Bahamas was filled with excitement as family, friends, faculty, and staff flocked to celebrate yet another commencement exercise. This time, the commencement exercise was for the first set of graduands to fully complete their two-year studies at the Law School virtually since the World Health Organization (WHO) declared the Novel Coronavirus (COVID-19) a global pandemic in March 2020.

The presentation address was delivered by the Honourable Mr. Justice Sir Brian M. Moree

Kt, K.C., former Chief Justice of the Supreme Court of the Commonwealth of The Bahamas and current Justice of the Court of Appeal of the Commonwealth of The Bahamas. While Sir Brian Moree’s remarks were filled with encouraging and supportive words, the learned jurist also reminded the graduands and soon-to-be members of the Bar of The Commonwealth of The Bahamas of the important role they were about to embark upon.

Sir Brian Moree cautioned the graduands that they have now transitioned from the safe environment of the ‘virtual’ classroom to the demands and realities of the legal profession. He informed the graduands that their work experiences to date as law students have been preparing them to embark on the ‘quantum leap’ and that once they take their oath and sign the Roll of the Court as counsel and attorneys-at-law, they would enter an entirely new league. This league is one fixed with important constitutional, legal and professional duties and obligations.

As impending members of this ancient and noble profession, Sir Brian Moree told

11

A Call to Action: *The Honourable Mr. Justice Sir Brian M. Moree Kt, K.C. Addresses the Eugene Dupuch Law School's Graduating Class of 2022*

the graduands that attorneys-at-law form a vital part of the constitutional makeup of the country. The learned jurist reinforced to the graduands that attorneys-at-law, like no other profession, have a special obligation to society as guardians of democracy, the rule of law, and the administration of justice. Sir Brian Moree urged the graduands to execute their duties to the Court and their clients by exercising the highest standards of professional and ethical conduct.


In further preparing the graduands for their transition, Sir Brian Moree imparted 7 career tips. **Firstly**, he advised the graduands to be teachable. He reminded them that their admission to the Bar does not automatically bestow upon them qualities and knowledge of good lawyering. The qualities and knowledge of an excellent attorney is a learnt technique, progressing with time and practice in the profession. Arrogance and grandstanding have no place in the legal fraternity. Humility, adaptability, and eagerness to learn are the qualities that project an 'average' attorney onto the path of becoming an excellent attorney. In fact, Sir Brian Moree stated that he has been called to the Bar for forty-three years and the learning process has never ceased for him. The Law is an ever-evolving phenomenon that encompasses and impacts many fabrics of society. **Secondly**, he advised the graduands to be intellectually curious both in the law and other pursuits. **Thirdly**, he advised the graduands to be adaptable, especially in this era of unprecedented change. As impending counsel and attorneys-at-law, Sir Brian Moree reminded the graduands that they are entering the profession at a time where change is the new normal. Information and Communication Technology solutions have transformed the modus operandi, replacing the legal notepads, paginated bundles, and an array of physical file folders. The Supreme Court also has become a product of this unmatched change. Bail applications and civil proceedings are, in large part, conducted virtually. Digital Court Recording and Electronic Filing are now things of the present. The New Civil Procedure Rules, 2022 have been promulgated and are awaiting a date of enforcement by the Rules Committee.

Fourthly, Sir Brian Moree charged the graduands not to be merely competent but to be extraordinary in all they do. He reminded them that wherever their career path may lead them, to be committed to excellence and expertise. **Fifthly**, he instructed the graduands to be courteous and temperate when dealing with the Court and their

11

A Call to Action: Honourable Mr. Justice Sir Brian M. Moree Kt, K.C. Addresses the Eugene Dupuch Law School's Graduating Class of 2022

learned colleagues. **Sixthly**, he warned the graduands to be persistent in hard work and preparation. **Last but surely not least**, Sir Brian Moree, beaconed the graduands to imbue the highest standards of ethical and professional conduct. He reminded them that there are many temptations out there in the professional arena, but they must be resolute to resist such indiscretions and inappropriate behaviour to avoid sanctions and potential disbarment.

In summary, wherever in their legal career paths the graduands may venture, it is not without doubt that the knowledge imparted by the learned jurist will resonate in their minds, helping to guide them along the way. In fact, the learned jurist's knowledge and tokens of wisdom are not only helpful for the graduands, but to all the readers that may encounter his writing. This includes the current student body at the Law School. Whoever the prospective audience may be or whatever career they may have, it must be remembered, from the words of the learned jurist, to practice whatever you do with a favourable degree of competence and skill while adhering to the highest standard of professional and ethical conduct. 



12 | Here We Are Finally Face-to-Face

Diana Ferreira and Ava La-Roda, Year 2 Students

On Tuesday, September 20, 2022 the Eugene Dupuch Law School (EDLS) was abuzz with energy and excitement. It was the start of Orientation Week and another academic year. While the start of each academic year is always filled with anticipation and excitement, this year was different. On that Tuesday morning, Year 2 students gathered in the Lecture Hall for the resumption of in person teaching and were joined online by the Year 1 and Six-Months students, for whom online teaching remains the teaching modality.

Year 2 students, Diana Ferreira and Ava La-Roda, reflect on their experiences studying during the pandemic and the return to face-to-face teaching.



Diana Ferreira writes

The world shutdown in March 2020 and as a result, I had to complete my L.L.B degree online. While I was grateful to still have access to learning during a pandemic, I still preferred face-to-face classes. That's why I was excited to start my journey at EDLS in September 2021, as it was initially planned to have classes face-to-face. However, the Delta Covid variant quickly changed those plans; and while I understood the need to revert to online classes, I was disappointed. I wanted to be able to socialise with my peers, have access to teachers and to spend my days in the library after classes.

At the start of my second year at EDLS, I was finally able to return to face-to-face

12 | Here We Are Finally Face-to-Face *Cont.*

classes. It has been a great experience to finally be able to sit in a classroom with my colleagues who I mostly got to know over Zoom for the past year. Human interaction and support cannot be underestimated in a rigorous programme such as this one for the attainment of the Legal Education Certificate (LEC). Being able to connect with my colleagues and teachers is something that makes the experience at EDLS more wholesome.

While I may no longer be able to sneak in a nap between classes; the constant technical issues and remoteness are things that are not missed by me. I look forward to completing the rest of my LEC programme face-to-face.



Ava La-Roda, reflects

Over the past year and a half, virtual school was the new normal for me. My first year at EDLS was entirely online; and although this was nothing new to me, it still took some adjustment. I met students and tutors for the first time, through a computer screen. As the end of year 1 drew closer, virtual classes became mundane, because, although the classes were efficiently conducted, I had become less enthusiastic about the virtual scene and could not wait to be face-to-face.

As I embarked on my second year at EDLS and the return to face-to-face classes, I can say that there was initial excitement as well as nervousness. There is a tremendous difference. I met students and tutors for what feels like the first time. Being on campus has given me the ability to access all of the information I need, and it has given me the opportunity to network and connect with tutors and other students.

Further, being face-to-face has enhanced my collaborative skills, as it has forced me thus far, to work in a team environment - which will prepare me for practice. The live discussions and debates, being able to participate in class without having to worry about internet issues, the social engagement during breaks, and having access to tutors and resources in real time are what have made face-to-face classes so much more beneficial. It has been quite easy to readjust to face-to-face learning, and I look forward to the few remaining months.



13 | The Sexual Offences Act and Marital Rape – A Human Rights Matter

Hubert Edwards, Year 1 Student

Often the ways in which debates are formulated define their outcomes. Where the issue under consideration is emotive and views are entrenched there is utility to be found in redefining the solution in neutral terms, based on generally universal principles. This approach if applied to the current debate on marital rape would likely result in a greater acceptance from wider segments of society. The issue should not be limited and argued against the many popular convictions generally highlighted but should be more accurately considered through the lens of whether or not the country is committed to and is fulfilling its obligations of upholding the human rights of married persons.

Despite being the dominant perspective, the issue of marital rape is certainly not limited to women. However, given that the propensity for complaints is weighted in that direction it is useful to start with a historical view of how women and rape has been associated and whether there is any remnant of any historical thinking spurring our current circumstance.

“But the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial content and contract the wife hath given up herself in this kind unto her husband, which she cannot retract”.

When those words were published - The History of the Pleas of The Crown - in 1736, the author Sir Matthew Hale, Lord Chief Justice of the Court of King’s Bench, would have been largely informed by the highly patriarchal nature of society where women were insignificant. Benchmarked against current day emphasis on personal sovereignty this statement would draw condemnation in most progressive thinking circles.

In 1736, Sir Hale was working with not much more than the Magna Carta and a legal tradition which up to that point gave no rights to a woman. Women had no legal capacity to contract; no right to exercise her franchise to vote; she existed in a society that largely defined and valued her based on feminine utilities, that is on the ability to wash, cook, clean and bear children.

The law exerts strong influence on the behaviours of society. The outcomes then were therefore very harsh but, within the context of historical development, understandable. The year 1736 was a time of unenlightened thinking. It was a time

13 | The Sexual Offences Act and Marital Rape – A Human Rights Matter, *Contd.*

where societal standards, shaped by the effect of the then prevailing standards made it an acceptable proposition to treat women as lesser beings and very likely with no overt opposition.

However, when this same sentiment continues into the twenty-first century there is a need to pause and critically assess why many thought the way they did centuries ago on this topic. In 1736, the tension and friction against the views of women would be very low and consequently its ability to persist for a long time is understandable. How though against the backdrop of the Universal Declaration on Human Rights (UDHR), and the incorporation of bills of rights into the constitution could such a sentiment prevail? The normative influence of constitutional development should easily render such positions untenable.

Yet we have in a modern society legislation that while gender neutral continues to impose this notorious view of Sir Hale which facilitates the perpetuation of marital rape. The Bahamas is one amongst a number of countries where this still happens. It is an unfortunate reality that the definition of rape in 2022, in a society whose legal traditions are grounded in the English law, could embrace such close and uncomfortable comity with the legal thinking of the 1800s. This becomes even more glaring when that unfortunate position has been unequivocally rejected as untenable by the same system.

Section 3 of the Sexual Offences Act (Ch. 99) (the Act.), defines rape as *“the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse [without consent]”*. The Act effectively gives a pass to spouses making it legally impossible to commit the offence of rape. While there has been a significant amount of debate recently, it is surprising that very few posit the idea that this exemption is an effective breach of an important precept of the rule of law – individuals should have the protection of the law; and an explicit contravention of the human rights of the married persons.

According to Lord Bingham, *“the laws of the land should apply equally to all, save to the extent that objective differences justify differentiation; the law must afford adequate protection of fundamental human rights; the existing principle of the rule of law requires compliance by the state with its obligations in international law, the law which whether deriving from treaty or international custom and practice governs the conduct of nations”*. These statements highlight the fact that the Act suffers from some very fundamental flaws, specifically as it relates to the definition of rape. It

13 | The Sexual Offences Act and Marital Rape – A Human Rights Matter, *Contd.*

defeats normative standards that are universal in nature to not discriminate against a class of persons. It renders the law unequally applied and therefore potentially morally bankrupt as it relates to matrimonial relationships. It breaches fundamentally the obligations of a country to abide by international laws and obligations agreed to by it.

In Article 15 of the Constitution of The Bahamas it is stated that, *“Whereas every person in The Bahamas is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely — (a) life, liberty, security of the person and the protection of the law.”* While one could argue that being in a matrimonial relationship is not explicitly captured here, the essence of the Article is that there should not be discrimination based on any particular grouping.

Consider the styling of Article 2 of the UDHR, *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*. The essence of the constitution and the UDHR flows from the same normative, ethical thinking. The constitution itself draws reference and influence from this globally accepted constitutional standard. Therefore, the use of “other status” which is missing from the constitution is instructive in considering whether there are discriminatory grounds.

A married person is arguably a status. It is a status conferred and supported by legal machinations. Therefore, if it is possible for a particular act to be classified as rape when done to an unmarried person, and the said act of same quality would fail when the individual is married then its discriminatory value is beyond question. Without labeling the section inconsistent with the constitution it is safe to say its effect, while not unique, is inconsistent with human rights principles. The Act discriminates against married persons and offers no protection against acts where the quality amounts to rape.

The definition of rape in the Act creates an exclusion in that having sexual intercourse without consent is legal in the case of a spouse. While by section 15 the Act makes it possible to punish the actions of a spouse, which would meet the

13 | The Sexual Offences Act and Marital Rape – A Human Rights Matter, *Contd.*

definition of rape, had he/she not been a spouse the social influence not the same. This approach effectively weakens the punitive and coercive effects of the legislation and whittles down the potential satisfaction a victim might gain in knowing that the perpetrator of an act answers for the crime actually committed. By analogy, section 15 of the Act can be likened to finding an offender guilty of manslaughter, because there is an impossibility of being guilty for any allegations of murder.

Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is also instructive in this assessment. The convention, which The Bahamas is a signatory to, calls for the country to do the following:

- *“Article 2 (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- *Article 2 (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; and*
- *Article 2 (g) To repeal all national penal provisions which constitute discrimination against women.”*

While the issue here is the human rights of all married persons, compliance with the CEDAW, addressing concerns of women will solve the problem of the lack of legal protection which currently pertains under the Act, for all spouses. It is rather interesting that faced with this current issue of inequality that its resolution lies in remediating matters pertaining to women, issues which would not have troubled the sensibilities of Sir Hale in 1736. While the issue has been discussed broadly and propositions made there has been a lack of urgency in modifying legislation.

The philosopher Aquinas proposed, *“a law that lacks morality is but a rule”*. While one must objectively conclude that there are sound laws encapsulated in the Act, this one aspect of the legislation does not appear to meet Aquinas’ threshold for being just. Inferences drawn from a recent divorce case appears to support this. In granting the petition for divorce in the case AA v BB [2021] FAM/div/00412, Supreme Court Justice Denise Lewis-Johnson took great care in concluding that *“There is no rape in marriage”*. Her conclusion, a strict reading of the law, contrasts sharply with evidence

13 | The Sexual Offences Act and Marital Rape – A Human Rights Matter, *Contd.*

adduced by the petitioner acts seemingly of the quality of rape, and which met the standard of cruelty, the ground on which the petition was granted.

When one takes into account, the pronouncement of the UDHR it is reasonable to conclude there are important human rights deficiency in the structure of Section 3 of the Act. The amendment proposed in the Sexual Offences (Amendment) Act, 2022 removes the spousal exemption. The amended section states, *“Rape is the act of any person not under fourteen years of age having sexual intercourse with another person without the consent of that other person (complainant), and where the person who perpetrates the act does not reasonably believe the complainant consented.”*

Analysis of this proposed change immediately underlines the existing deficiency. One immediately gets the impression that the formula devised by Lord Bingham in his lecture is now in play. Simultaneously Aquinas’s proposition on an unjust law seems to evaporate. Together these legal fundamentals make a persuasive argument. The Act as it currently stands represents a fundamental breach of constitutional principle and consequently human rights matters.

Matters of sexual offences, regardless of the gender targeted, should be given the greatest level of care and precision in order to protect the rights of an individual. To engender a sense of dignity in securing redress when a person’s physical sovereignty is breached the perpetrator of the act should be punished according to the quality of the act. As an influencer of social behavior, the law should always be designed such that no individual should ordinarily be excluded from prosecution.

While one can understand strong, varying and entrenched views expressed on this matter, it is likely that if the debates are properly reframed not in terms of simply social or religious context but from a human rights perspective the outcomes are likely to be fundamentally different.



14

What Every First Year Law Student Should Know

Troy Benjamin, Year 2 Student

Undoubtedly, transitioning from the L.L.B programme to the Legal Education Certificate (LEC) programme comes with its own peculiar challenges and problems. This higher level of academic learning requires that we make new, intentional and calculated adjustments in order to guarantee us success at this leg of our legal pilgrimage. To this end, we ought to bear in the pockets of our minds that the LEC is fundamentally different from the L.L.B in many respects such as the demanding and robust legal training, the workload, the expectations to be borne by students and tutors, inter alia, and therefore should be treated with utmost importance.

This article seeks to provide some practical tips that First Year Students at the Eugene Dupuch Law School (EDLS) can adopt into their daily lives to assist them in navigating this final stage before being admitted to practice.

I humbly suggest as follows:

Be prepared. Preparation is one of the key ingredients for excelling at EDLS. As an attorney-in-training, you are expected to do the groundwork and adequately equip yourself with the necessary knowledge to function at Law School. This will require you to go the extra mile and go through the lessons on Canvas, prepare tutorials and read your cases and legislation. Doing your preparation will set you apart from your colleagues and will help you to better grasp and understand concepts being taught in the classroom because you have done the work. Prepare, prepare again and prepare some more!

Be consistent. There is a popular saying that "small consistent steps give big results." Take the work in strides but be

consistent daily. I know you are going to feel overwhelmed and as though everything is coming at you all at once. But that's the reality of Law School. It prepares you for the real work of an Attorney-at-Law, which involves prioritizing based on urgency and time sensitivity and teaches you how to effectively manage your time. Against this backdrop, be consistent in reading and briefing your cases, compiling quality and thorough study notes with the view of examinations in mind, completing tutorials and lecture activities and securing good grades in your written assignments. This will decrease your overall workload and anxiety and definitely will serve you well in the months of April and May when preparing for the final examinations.

Join a study group with like-minded and zealous people. No man is an island and certainly no man should be an island at Law School. The workload itself does not allow for you to be selfish and a lone ranger. You will need people to help you along the way and there is the golden formula: “team work makes the dream work”. However, it is important that you know what works best for you as some people are not fond of working in groups and personally prefer working alone, which is possible too. If you are inclined to work in groups, acquaint yourself with persons who have the same tenacity and work ethic as you, and who are willing to put in the work and get things done.

Study groups are meant to facilitate peer education of concepts that may not have been grasped by one in a classroom setting but better understood by another peer who can teach his fellow peers that concept. Do not affiliate yourself with a study group that is not putting in the work, not meeting deadlines, or being complacent and wasting time. Disassociate yourself from a group that is so busy with other things that they are unable to truly contribute to the work of the group. This is not the place for “free riders” and “leeches”. If persons are not performing and meeting deadlines remove them from the group or remove yourself from the group. Ensure that you find yourself with a group that is goal-

oriented, organized and zealous to lessen the workload and facilitate peer to peer learning.

Analysis and Application is paramount. In every examination and assignment you are being tested on your knowledge and application of the law to the facts at hand. Therefore, in scribing your legal opinions for these purposes it is absolutely necessary that your response is fulsome, thorough and heavy on the law. You are expected to properly treat with the legal issues under examination and resolve them in light of the relevant law and legal principles, providing your client or senior partner with sound advice. You must be comprehensive in your answers on the law and your analysis and reasoning.

Familiarize yourself with the relevant legislation. At this stage, your legislation is your best friend. You should live, breathe and dream about your legislation. Therefore, go through your legislation daily and get familiar with its provisions. Do not attempt to memorize legislation, it is too much. But the idea is to go to it regularly and read it. By doing so you will know where to find what and which legislation deals with a specific issue or area of law.

Sleep. Undoubtedly, a well-rested body performs better than an overworked and exhausted body. Sleep is paramount to

14 | What Every First Year Law Student Should Know *Contd.*

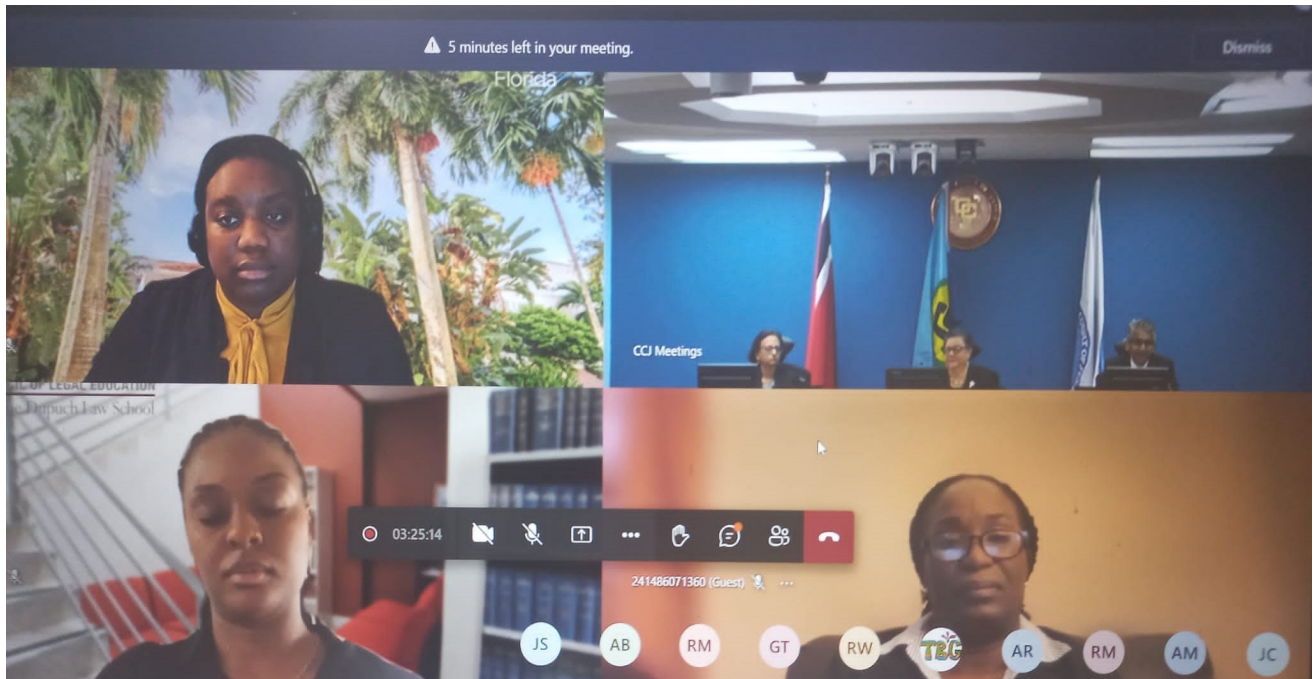
your functionality and performance at **Take time to just breathe.** You will Law School. However, I must not shy feel overwhelmed sometimes like you away from the mere fact that there will want to just scream. Scream if you must be certain instances when you will have but do not over stress yourself. Take up to sacrifice some sleep or as we usually some activity that makes you feel relaxed say "burn the midnight oil" to or at peace such as dancing, walking, complete assigned tasks or to perform yoga etc. Find something that allows you well. But overall, get proper rest and to breathe. take care of your "sleeping health." Your sleep health is your wealth!

Ultimately, I know that Law School is draining and tough. But do not worry, you did not come this far to just come this far. We are fighters and we will make it through with much determination, dedication and discipline. The start to our new beginning is near! Let us push, press and persevere.



15 | American Caribbean Law Initiative: *An Invaluable Experience*

Ashley D Moree, Year 1 student



The American and Caribbean Law Initiative (ACLI) is a membership organization of Law Schools whose mission is to advance the common interest of its members in the growth and development of the Caribbean Basin by facilitating collaborative relationships and by strengthening its legal development and institutions

The Caribbean Law Clinic (CLC) is a project of ACLI which is intended to enable students from the participating institutions to assess legal problems and issues being experienced or likely to be experienced in Caribbean nations. The 2022 CLC was hosted by the Hugh Wooding Law School in Trinidad November 9-13, 2022. The moot itself was held at the Caribbean Court of Justice (CCJ) on Friday, November 11, 2022. However, due to inclement weather the EDLS team were unable to travel and had to participate virtually. The law schools that participated are the Eugene Dupuch Law School, Hugh Wooding Law School, Norman Manley Law School, and Nova South Eastern University Shepherd Broad Law Center.

The ACLI problems challenged students to explore problems in commercial arbitration; the interpretation of the Revised Treaty of Chaguaramas on the Original Jurisdiction of the CCJ; and constitutional law. My team comprised students from the Hugh Wooding Law School, Norman Manley Law School and Nova South Eastern University. Together we tackled the constitutional law question which required us to

15 | American Caribbean Law Initiative: *An Invaluable Experience*

determine the effect of a savings law clause provision on the validity of the Proceeds of Crime Act using the laws of Trinidad and Tobago as the applicable law for the fact pattern. We had to determine whether the powers conferred to law enforcement by statute breached the right to private life and violated an individual's right to protection from deprivation of property, and whether the legislation itself was constitutional.

The thing I appreciated the most in preparation for the moot before the CCJ was the opportunity to share our law school experiences. We found, for the most part, that the study and practice of the law is a constant challenge and that success is only guaranteed through dedication and discipline. Apart from that, I also appreciated the opportunity to network. I remain in contact with my fellow participants and they still offer assistance where I may need it, regarding my studies.

... Success is only guaranteed through dedication and discipline

For my portion of the problem question, I had to address the issue of whether an invalid warrant had any effect on the arrest of an individual for an offence committed under the legislation. In summary, it was my submission that the defects in the warrant had no bearing on the validity of the arrest where the police were permitted to make an arrest without a warrant for an arrestable offence.

Overall, I am privileged to say that I participated in the CLC. At first, I was somewhat apprehensive about taking on any extra-curricular activities as a first-year student so early in the semester. However, I quickly began to appreciate that it was an invaluable experience to collaborate with other law students throughout the region. I felt a sense of pride and obligation to do well whilst representing the law school.

Lastly, I would like to thank Ms. Pauline Seymour for her time and devotion in preparation for the moot. I would not have been as well prepared and successful if she had not convinced me; and because of this experience I look forward to participating in more upcoming initiatives.



16 | Embrace the Shared Experiences of ACLI

Debra Thompson, Year 1 student

“Believe in your competency, skills and capabilities”

My recent participation in the American Common Law Initiative (ACLI) clinic was a rewarding experience. The preparation leading up to the virtual presentation before the Justices of the Caribbean Court of Justice (CCJ) on Friday, November 11, 2022, was intense and, at times, challenging. I am grateful to have been a part of the clinic and for the valuable lesson and skills that I can take into my professional career. The unique opportunity to network, collaborate and troubleshoot issues with colleagues from regional and international law schools enhanced the experiential learning.

I worked on a problem which dealt with referral of matters to the CCJ under Article 214 of the Revised Treaty of Chaguaramas (RTC). The question challenged me because the issue was a novel one. There was no precedent before the CCJ and I had to understand the RTC and the procedural rules of the court. The issues raised also compelled me to examine other persuasive authorities such as those of the European Court of Justice. Although the preparation and research were intense and grueling, the valuable lessons I gleaned have sharpened my critical thinking, time management and multitasking skills. I embraced the shared experience with my team members as we worked through the issues we were presented with.

The presentation before the CCJ was an experience I will never forget. The feedback from the Honourable Justices

was encouraging as they welcomed ACLI clinic participants to the rigors of advocacy. We were reminded by the judges that “the job of counsel is very hard and rewarding work and that it is not a case we are dealing with, but people’s lives that are impacted”.

I want to thank Ms. Pauline Seymour, tutor, for her guidance, support and words of encouragement.

As I reflect on this experience, I would encourage my fellow Year I students to take part in seminars like ACLI, overcome their fears and self-doubt by deepening their understanding of an area of law. Believe in your competency, skills and capabilities. Whatever you are feeling, your counterparts are feeling the same.



17 | The Bahamian Culture is more than just Junkanoo

Kristina Saunders, Year 2 Student



March On Bahamaland.mp3

← Click embedded file to hear Year 2 Student, Kristina Saunders read her article to you!

Colourful costumes, goatskin drums, whistles and horns are said to run at the heart of Bahamian culture. Junkanoo is often cited as the most vital expression of what it means to be Bahamian. Nothing could be further from the truth! 'Catching the fish with my bait and my line', My Bahamian Thing is the song that comes to me. The Bahamian Culture like other cultures is a learnt phenomenon through social encounters. Despite its small size, The Bahamas has a rich and very diverse culture.

17 | The Bahamian Culture is more than just Junkanoo *Cont.*

There is something uniquely different about The Bahamas. I would venture to say that even the stars regard The Bahamas as a treasure as whether you are up close and personal or viewing it from space its beauty is truly breathtaking and so is its culture. I could imagine the late Ronnie Butler sitting on pink sand writing the song, Who put the Pepper in the Vaseline. I could picture Veronica Bishop eavesdropping as she was inspired to write 'tell Ole, I een here, he better come home now, cause these little children he gat dey crying for dey pa'. Each island holds together the authentic social fabric of traditional practices, art, music, and food.



The Bahamian culture is not just Junkanoo, the Bahamian culture delves into the depths of the Bahamian people's soul. It is who we are as a people, it is the things we do, the food we eat (it is

peas and rice, not rice and peas), the way we act, the way we dance (African, yet different in our presentation). Bahamians are known as one of the kindest people in the world. We are known for our hospitality, our personality, our sense of service and our humanity to each other. The Bahamian culture is not just one thing, it is the DNA and fabric of our people. Whether it is Goombay, limbo, fire dancing or Junkanoo, entertainment is just one of the ways that celebrate who we are as a people.

As a little girl growing up, I spent much of my weekends trailing behind my mother as she visited the various night clubs and hotels, "for legal purposes, of course". You see, my mother never had a nine to five



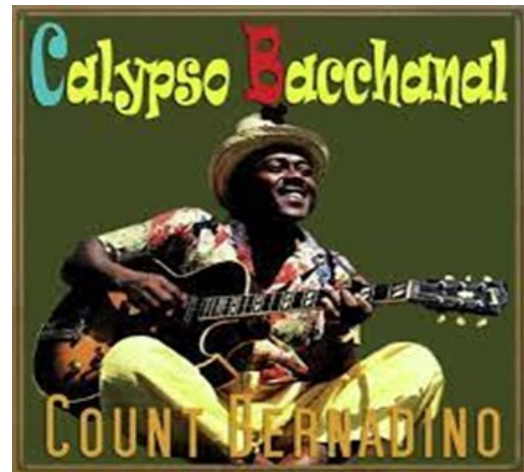
job. She used her talent as a fire dancer to pay all the bills and finance all four of her children's education until she retired at age sixty-four. The stage name "Trixie" has taken my mother all over the world. She has been to France, Germany, Paris, Cuba, Mexico, and

17 | The Bahamian Culture is more than just Junkanoo *Contd.*

I recall the story that she would often tell regarding her trip to Italy. She said she had an encounter with an Italian man who was smiling and talking Italian and her reply was “sì”, only to find the man running back to her with his grandmother’s wedding ring, having her own “From Scratch” moment.

I could remember as early as five years old sitting in the King and Knights Night Club watching my mother and the artists perform. Sitting here, reflecting on it all, gives me goosebumps as it takes me to such a happy place. King and Knights Night Club was owned by the late Eric Gibson, affectionately known as “King Eric”. King Eric understood the assignment as the nightclub did not limit its artistry to the band only, but rather allowed for the inclusion of all genres of Bahamian entertainment. He would have artists such as the late Count Bernadino, “Count”, who I would say is most famous for his song My Philosophy and the famous line ‘when I die bury me deep, put two bottles of whiskey at my feet, I want six young girls across my chest, saying Count

Bernadino has gone to rest.’



Both King Eric and Count would alternate nights playing the steel pan, giving the tourists and locals alike the full throttle of who we are as a people. It would be remiss of me not to mention the limbo dancers and goombay dancers who, by the way, were choreographed by our very own Senior Magistrate, Carolyn Vogt-Evans, and Maltese Davis. Certainly, the names are far and wide, but these are the people I personally encountered.

I could not talk about Junkanoo without mentioning my uncle, my aunt Rebecca’s husband, the late John “Chippie” Chipman. To know You see, he is the essence of what it means to be Bahamian, not because of his style of drumming but because of his spirit. When I think

17 | The Bahamian Culture is more than just Junkanoo *Contd.*

of him, I think about what it meant back then to go out of the house and leave your door unlocked, to walk the street barefoot at any hour of the day without fear of being a victim of crime. His carefree and loving spirit was a glimpse of what the heart of Bahamian really looks like and I would go so far as to say is the reason why Bahamians aged gracefully and lived long. **This is important because through time, we have lost our identity .**

Peanuts Taylor, a Bahamian percussionist and owner of the Drumbeat Club is recognized around the world for his unique touch on the conga drums, such that he was honored in Cuba. The lyrics of Tony Mackey, “the Bahamian Obeah Man”, *‘I came down on a lightning bolt, nine months in my mama’s belly. When I was born, the midwife screamed and shout, I had fire and brimstone coming out of my mouth, I’m Exuma, the Obeah Man’*, tells the tale of the folklore side of the Bahamian people.

Weaving and braiding straw, crafting baskets to carry fruit, and making nets for fishing trips are what supported the island lifestyle. The straw market is known for its locally

crafted souvenirs and unique finds. There you will find mama sitting with her skirt tossed over her lap with a Chinese fan in one hand greeting the tourist as they passed, saying “Hey baby see anything you like”. The way they are able to throw on their salesman’s hat and then quickly continue with “*gal you see how Pookie beat Kim last night*” is tickling yet admirable.

‘Gone to Cat Island, oh Cat Island, join the rake and scrape band’, **Regatta Time Again** by the Brilanders, tell the story of the regatta experience. Whether celebrating in Andros, Exuma, Eleuthera, Acklins or Cat Island, Regatta is an event that is about competition and excellence. Yet still, Bahamians will always find a way to make it about food and dance. I suppose it is our way of celebrating our freedom.

One could imagine the turmoil and anguish that we all felt during the pandemic which I am certain inspired the lyrics, *‘loose me let me go, I don’t want be inside no more, loose me let me go, this is killing me that’s for sure, so let me out.’* You see, we are a resilient bunch that will always find

humour even amid adversity.

It is our Christian values that make us inferior to no man but equal to all men and that fuels our strength and resiliency as a people. It is my belief that through Psalms 91 we are able to channel our mental and emotional energy to find solutions as we know that *'though a thousand shall fall at thy side, and ten thousand at thy right hand, it shall not come nigh thee'*. Listen, ask any Bahamian and they will tell you that The Bahamas is the place where God dwells.

Truly, we are mixed up like conch salad but taken together we taste good. The Bahamas is so much more than Junkanoo; it is the way that we walk, the way that we talk, it is like *'fire shut up in our bones'*. The

Bahamian culture sits and rests on the virtues of our forefathers. It is the principles and the virtues that bind a people together. To my people I say, take whatever you need but leave the rest for others; our resources are endless. As our culture continues to expand and evolve, never leave our motto behind, ***"Forward Upward, Onward Together"***. March on my Bahama land!



Meet the Team

Editorial Team:

Raquel Williams, Senior Tutor II (Editor in Chief)

Gayvelle Davis, Librarian

Dawn Burrows, Registrar

Latoya Green, Associate Tutor

Chantelle McSweeney, Library Assistant

Shaquille Dean, Year 2 Student

Ava La-Roda, Year 2 Student

Mtumika Lumumba, Year 2 Student

Kristina Saunders, Year 2 Student

Design and Layout Team:

Courtney Martin, Year 2 Student

Nickesha Bacchus, Year 2 Student

Chantelle McSweeney, Library Assistant

Racquel Registre, Library Assistant

Student Writers and Contributors:

Year 1 Students

Hubert Edwards, Bernice Wright

Year 2 Students

Troy Benjamin, Shaquille Dean, Nioshi Ferguson, Diana Ferreira, Dancia Knowles, Ava La-Roda,

Mtumika Lumumba, Tamara Pinder

The Verdict is the official publication of the Eugene Dupuch Law School situated at the City Corporate Center, Rosetta Street, Nassau, New Providence. It is published twice a year by a joint committee of staff and students. The opinions expressed herein are those of the author(s) only.

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

Disclaimer: *The views and opinions expressed in the articles are those of the individual authors and not of the Publication Committee, Eugene Dupuch Law School and/or the Council of Legal Education.*



EDLS