

INSIDE



5 Lawyer Ralph Richardson



6 Top chefs at Sundial School

- 4 HomeBoy Apparel
- 4 Business week in review
- 5 Baix Tattoos quality ink
- 7 Musical Memory
- 8 Week in review
- 9 Dimitri's Internet Column
- 10 Crossword Puzzle, Bridge
- 11 Church News Bits, Household Tips
- 11 Tips for Pets
- 11 Vance James Column
- 12 Clara's Imbali Dancers

Raising the standards of the Bar Association

By Rajesh Chintaman

Education, information dissemination and ethics are just some of the issues vying to take centre stage with the second year/term board of the Bar Association of St. Maarten.

Board members: Dean of the Bar Association Roeland Zwanikken, Vice Dean Rik Bergman, Treasurer Richard F. Gibson Jr. and Secretary Monique Hofman evaluated their performance for the first year and sat with The Daily Herald's Weekender to discuss the ins and outs of the Bar Association of St. Maarten.

The main function of the association is to represent the member attorneys in general, create an atmosphere conducive to positive discussions with the courts, employees at the courts, other persons and institutions affiliated with the judicial field in a bid to work together for the effective operation of the system and to foster friendships. This aspect is not a mammoth task for the board; Zwanikken explained that the various arms of the judicial system work well together.

The Dean, said that the fact that not many of the general public know what the Bar Association is all about had prompted him to start talking about the general aims of the association.

The first fact is that the association provides information and support for persons practicing law or persons interested in becoming an attorney. Secondly they should provide the law community and the community in general with



Sitting is Dean of the Bar Association Roeland Zwanikken, and from left standing are Vice Dean Rik Bergman, Treasurer Richard F. Gibson Jr. and Secretary Monique Hofman.

publications highlighting various aspects of law, providing analytical comparisons and scientific reviews of laws that could be evolving with time. The Dean said there has been a lack of such publications on the island, mainly because the research needed to be carried out for such publications is extremely time-con-

suming and most of the attorneys on the island are just too busy with their day to day routines.

WHEN ASKED whether there were too many attorneys on the island, Zwanikken stated, "I don't get that impression. There is quite a lot of work for all the lawyers. I think this

is a case where the market dictates the demand for attorneys."

"We keep each other very busy," Gibson Jr. quipped, adding that the strong American presence doing business and visiting the island makes a bigger pie to share. The treasurer explained that most but not all the lawyers on this island have opted to join the association.

In many parts of the world and in the Netherlands, it is mandatory that lawyers join their respective association. Gibson Jr. stated that the board is looking into making it mandatory for all practising lawyers on the Dutch side to join the association.

On an island (Dutch side) of only 16 square miles, there are approximately 45 attorneys attached to approximately 15 different Law firms.

TECHNOLOGY IS NOW CATCHING UP with this age old and tradition steeped business. The association has agreed in principle to back a plan to allow video conferencing as a means of hearing witnesses abroad. However, this method of hearing witnesses is still a thing of the future.

Several factors hamper the use of this technology during a court case. Firstly, the laws may have to be amended to accommodate this method of hearing a witness. There are also "checks and balances" issues that need to be addressed about using this method to question a witness. The Dean said

In Caribbean, justice comes home

By Jacqueline Charles
Courtesy The Miami Herald

For almost two centuries, the final decision on whether a convicted murderer in the English-speaking Caribbean should be hanged was up to judges sitting thousands of miles away in London, where the death penalty has been long abolished. But that decision will soon be made in Trinidad and Tobago, the twin-island republic where regional leaders officially opened the Caribbean Court of Justice on Saturday, April 16 with the swearing in of judges and a fireworks gala. The seven named judges of the court will soon begin settling regional trade disputes and hearing civil and criminal appeals.

Proponents of the shift in judicial power from English law lords to Carib-

bean jurists argue it is a major, and necessary, milepost in the islands' transition toward full independence from Britain. "It seems completely out of context for independent nations, countries like Trinidad and

A vision that took root 35 years ago to establish a Caribbean Court of Justice has finally become reality with swearing in of judges.

Jamaica, to have a court of appeal in England as their final level of appeals for cases arising in their own countries," said Roget Bryan, a Trinidadian-born South Florida attorney who has studied the court's evolution.

Anthony Aboud, former president of the Trinidad and Tobago Manufacturer's Association, said the US \$398,000 affair has been long-awaited. "The CCJ is a step

toward one trading bloc, one legal framework," he said.

But human rights advocates and political opponents fear the change -- in the making for 35 years -- could open the door to the whims

of hanging judges. They dismiss arguments that a Caribbean supreme court would make justice more accessible to citizens. In the past five years, the London-based Privy Council has considered only 210 new appeals from the region, according to the court's statistics.

AS THE COURT of last resort for most of the English-speaking Caribbean for 172 years, the Judicial

Committee of the Privy Council has been a vocal opponent of mandatory death sentences in the region, contrasting with most countries' Constitutions, which make the death penalty for murder mandatory. "We fear that some of the motivations for the establishment of the court are to make it easier to execute people," said Piers Bannister, a researcher with London-based Amnesty International.

Amnesty, Bannister said, does not oppose the court's creation but it wants to ensure that any court upholds "internationally agreed upon standards of justice and jurisprudence." Opposition leaders in Trinidad and in Jamaica continued to resist replacing the Privy Council as their nations' final appellate court.

The contentious debate reveals

Continued page 2

BAR ASSOCIATION

Continued from page 1

that set standards for using video conferencing have to be stringent in order to make the hearing unquestionable. Issues like failing communication lines and distortion can adversely affect a trial "so the use of this technology has to be clearly defined."

When and if this method is implemented it will speed up handling of cases that require hearings abroad. At present, hearing a witness abroad is very costly, time consuming and tedious for all parties involved.

USING THE UNITED STATES OF AMERICA as an example, he said because all the documentation of the Court of the Netherlands Antilles is in Dutch, each piece of paper pertaining to the relevant aspects of the case in question must be meticulously translated into English and presented to the United States court that is dealing with the issue and then an American judge gets involved, brings a different twist to the said case.

This issue is currently a hot topic among the law communities of Curaçao, Aruba and

St. Maarten.

All in all, embracing such technology would be good for all involved. However, strict standards and regulations must effectively govern such instances in order to maintain judicial infallibility.

"WE DON'T HAVE ANY STRICTLY SPECIALISED ATTORNEYS on St. Maarten. The attorneys here are general law practitioners," Zwanikken stated.

Bergman added that this situation stems from easy global access to noteworthy specialists in any area of law in any part of the world. "We have almost instant access via the internet or telephone."

It is not 'business wise' to specialise in a limited area of law, taking into consideration the island's size and demands for specialist versus general law practitioners. It is as simple as market demand dictates the necessity.

On the issue of social responsibility, members of the local association play an effective part of making the community a better place for the accused persons and in some cases victims.

Hofman disclosed that there is a pool of member attorneys responsible for being part of a rotation of 'on call' attorneys providing legal aid to persons that need emergency representation. In these cases, once the police department deems it necessary, the lawyer 'on call' that particular week will be called to the police station to handle the matter.

In many instances, the 'on call' attorney becomes the case lawyer taking on some of the cases pro bono.

THE BOARD IS PAYING KEEN ATTENTION to informing and educating the law community on The Friendly Island. They host several legal courses during the year dealing with new law procedures, new laws, arbitration and general law information.

In keeping with their mandate, the association has invited the Netherlands based Professor Alexander Mohr to give a lecture focused on corporate laws, its application and the position of minority shareholders. The lecture will be open to the general public; however, the material provided will be geared towards law professionals.

The lecture is planned for Wednesday, June 29, and the venue is still to be decided on.

Gibson Jr. said that all members are urged and supported in distributing information pertaining to becoming a lawyer. Whenever a school calls or a job fair beckons, members of the association and law offices in general help as much as they can.

Gibson Jr. a son of St. Maarten soil, offering this bit of advice, said that students should not be discouraged by the fact that Dutch is the court's language. He indicated that perseverance is the buzz word for success.

BERGMAN, reflecting on the board's first term in office, stated "We are an effective and active Bar Association. We have succeeded with many of our plans." They have achieved many of their goals, including improved relations with judges, clerks and judicial officials.

In closing, he pointed out that with this evolving association, the possibility of a centralised Bar Association for the Netherlands Antilles might be a possibility.