

LAW LIBRARY BULLETIN



PRIVY COUNCIL SITS FOR THE SECOND TIME IN THE BAHAMAS

Their Lordships of the Judicial Committee of Her Majesty's Privy Council; Lord Hope of Craighead, Lord Rodger of Earlsferry, Lord Walker of Gestingthorpe, Lord Manee and Sir Christopher Rose, were welcomed to The Bahamas for a second time to hear matters on appeal from the Bahamas' Court of Appeal and the Court of Appeal of The Cayman Islands.

This second sitting outside of the United Kingdom established a "precedent," according to the Hon. Attorney General, Senator Claire Hepburn, who said further, "The ultimate benefit from these sittings in The Bahamas beyond the repatriation of the judicial process to our shores, beyond the convenience to the litigants in these matters, may well

prove to be the ability of the Bahamian people to see the Judicial Committee of Her Majesty's Privy Council, the final appellate Court of the Commonwealth of The Bahamas, at work in The Bahamas, to see that it is not some mythical grouping in the sky, but a board comprised of men and women applying Bahamian law to Bahamian legal matters." Lord Hope in his response assured her that the Committee will be delighted to come as often as it is invited.

The Judicial Committee of The Privy Council sits at the apex of the judicial system of The Bahamas and several other commonwealth territories and has only sat outside of London on two occasions, both in The Bahamas. The historical sig-

nificance of this is that the ordinary Bahamian citizen is given an opportunity to observe the workings of the Committee firsthand. Students of the law, inclusive of students of the LL.B. programme of The College of The Bahamas, were delighted to observe the proceedings of the Committee and to see the level of legal acumen that is necessary in order to deliver the quality of opinions emanating from this body.

Their Lordships heard matters across the spectrum of the legal gamut, including criminal and civil appeals. The opinions of the Board have not been released.

WESTLAW IS IN THE HOUSE !!!

Westlaw will soon join the stable of legal databases available to our LL.B faculty and students. Contracts were signed in January 2008. WESTLAW is one of the world's most comprehensive and respected legal databases. Its usefulness lies in its value-added materials: head notes, key number system and KeyCite. Students will marvel at the ease of tracking English cases, including their history and whether they have been distinguished or followed by other courts.

Additionally, the advanced researcher will be enthused about, [West-Check.com](#) which automatically extracts citations from a document and checks citations in KeyCite. Also, there is [West-CiteLink](#) which will automatically find citations in briefs and link them to full documents on Westlaw, and finally, [Key-Cite Alert](#). [keycite Alert](#) is a Clipping service that tracks cases, statutes, and administrative materials.

LL.B. students and faculty should check with Law Library staff members to get their authorized password and to sign up for training on how to use this powerful new research tool. Other legal databases available from the Law Library are CARILAW, HEIN-ONLINE, QUICKLAW, LEXIS-NEXIS, and United Nations Treaty Series.

Chief Justice of Australia Speaks

His Lordship, Honourable Anthony Murray Gleeson, A.C., Chief Justice of Australia, was the featured speaker at the Ninth Annual Judicature Seminar sponsored by the Judiciary of the Commonwealth of The Bahamas which was held at the Sandals Royal Bahamian Resort and Spa on Friday at January 4th, 2008. His topic, "The Role of A Judge In a Representative Democracy," embraced the importance of the rule of law and the role of an independent judiciary in providing a sound foundation for social and

economic change. He spoke of the need for The Law to remain relevant to society while avoiding the destructive influences that rapid change may have on society. The potential conflict between judicial review of administrative actions and policy considerations was also another focal area of His Lordship's presentation that proved interesting to the audience which included members of the judiciary, members of the private and public bars, legal educators and law students of The

College of the Bahamas and the Eugene Dupuch Law School .



Hon. Anthony Murray Gleeson
A.C. Chief Justice, Australia

New Legislation of 2007

The past year was an unusual one for family law legislation. It saw the passing of The Domestic Violence (Protection Orders) Act, 2007 as well as The Child Protection Act, 2007. Both of these Acts, although passed, are not currently in force. They are still being reviewed and vetted by relevant parties.

The proposed Domestic Violence (Protection Orders) Act, 2007 would represent a sea change in how the Bahamas deals with this very important and volatile issue. Under the Bahamas Sexual Offence and Domestic Violence Act of 1991, the law currently in force, domestic violence is undefined. It also limits its remedies to parties in a valid marriage and provides no remedies for stalking or emotional and psychological abuse. Given that domestic violence is at epidemic levels throughout the Caribbean and it is a major focus of human rights initiatives throughout the world, an updating of current legislation is overdue.

The proposed legislation would allow, not just the abused spouse, but also an ex-spouse, a man or a woman in a common-law-relationship, or any member of the household in question to seek protection from the courts. Further, the Commissioner of Police may move for an order of protection on behalf of a party or an "officer of the Department on behalf of a child against whom the domestic violence was committed" may make application to the court for protection under

the proposed act. The proposed act also puts fair notice procedures in place to benefit the accused/respondent so that his or her human rights are not violated as well.

The Child Protection Act of 2007 appears to reassess the rights, status, and treatment of children. This too is a volatile and important area of law around the world. The Bahamas, like nearly every other nation (except the U.S. and Somalia) is a signatory to the UN Rights of the Child Treaty. Further, in-depth analysis is needed in regard to this proposed act. It is a rather weighty tome.

The Law Library has copies of these proposed legislations and they are well worth reading. Please ask for them at the Law Library's circulation desk.

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Hidden Treasures: Unreported Judgments Awake From Their Slumber

by Tameka Butler-Burton & Raynold Cartwright

In his foreword to the 1977 Law Reports of The Bahamas, the then Chief Justice, Sir Leonard J. Knowles, paraphrased Lord Denning's dicta in the English Court of Appeal decision of *Davis v. Johnson* [1979] when he stated:

"... it follows as the night the day, that all who practice law or who are concerned with law in any capacity (and who is not?) must know what the Courts have decided... Too long we have been content to grope along in such twilight as might be shed on a legal problem by foreign judicial decisions (usually English), while, all the time, somewhere in the Registry's archives, a judgment of the Supreme Court or even by the Court of Appeal on the very point, might be slumbering." (Emphasis added).

Thirty years after this statement, The College of the Bahamas Law Library continues to work arduously at awakening these judgments from their slumber through a sustained effort of documenting decisions of the Supreme Court and the Court of Appeal dating back to the early 1960's. This collection is of monumental value and has provided law students, practitioners and legal researchers access to more than 2,700 judgments many of which are of inherent importance as precedents and of great value to academia and public interest.

Mrs. Judy Francis-Gibson, Library Assistant, has done the bulk of the work updating this project. Prior to her taking on the task, the judgments were arranged alphabetically, ten judgments per manila folder. Since there were over 2,700 of them, *"trying to find a specific judgment was like trying to find a needle in a haystack."* Mrs. Francis-Gibson has prepared an accurate computer listing/index of the judgments, which now can be accessed by either date or title. This computer listing can be downloaded either in adobe acrobat or placed on cd-rom or uploaded on a webpage to be viewed by all library patrons. In addition, each judgment is now in its own individual folder which makes it much easier to retrieve. Obviously Mrs. Francis-Gibson has done an exemplary job.

Ambitious plans are also in the works to introduce other features to enhance the usability of the index, such as an easy-to-use web interface with search templates, case abstracts, commentaries, full text printing and other features that would make searching and navigating the site easy. However, in the interim, Mrs. Francis-Gibson is to be in commended for her Herculean efforts on behalf of the COB Law Library and our Unreported Judgment Collection.

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Salute to the Class of 2007



Darrin Culmer



Kevin Farrington



Abigail Farrington



Janet Fountain

Salute to the Class of 2007



Christina Galanos



Viana Gardiner



Aldieka King



Ambrosine Huyler



Candice McPhee



Chernenka Rolle



Tavvarie Smith



Cathy Saunders



Lexton Symonette



Katrena Mitchell



Monica Stuart



Gordon Soles

PHOTO
NOT AVAILABLE

Tiffany Moss

PHOTO
NOT AVAILABLE

Vander Mackey