

IN THE SUPREME COURT OF BELIZE, A.D. 2007

CLAIM NO. 248

IN THE MATTER of section 6(1) of the Legal Profession Act,
Chapter 320 of the Laws of Belize, Revised
Edition 2000

AND

IN THE MATTER of the admission to practice and the
enrolment on the Roll as an Attorney-at-law
of the Supreme Court of Vincent Nelson,
Q.C.

—

BEFORE the Honourable Abdulai Conteh, Chief Justice.

Mr. E. Andrew Marshalleck for the applicant.

Ms. Lois Young S.C., with Mr. Dean Barrow S.C., as amicii curiae.

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DECISION

1. I have considered carefully Mr. Vincent Nelson's application pursuant to section 6(1)(b) of the Legal Profession Act to be admitted and enrolled as an attorney-at-law in Belize. The Legal Profession Act itself comes against a backdrop of a treaty arrangement between member countries of the Commonwealth Caribbean which led to the institutionalization of the Council of Legal Education and the imprimatur given to its certificate, the Certificate of Legal Education (CLE) as the primary, almost the exclusive stamp of approval for admission to the Bar in the member countries of the

Commonwealth Caribbean. The subsequent Act that followed the agreement, the Legal Profession Act, which became operational on the 21st of June 1980 however, particularly in section 6 providing for admission to practice law and enrolment, does in its paragraph (b), subsection (1), imbue the court with some direction in this exercise: an applicant has to satisfy the court that he or she has obtained adequate training in the law and is suitably and competent to practice law in Belize. I leave out paragraphs (a) and (c) which are not material for the present purpose.

2. Mr. Marshalleck, in moving the application, referred to the affidavit of Mr. Nelson filed in support of his application. In my view, it cannot be doubted that on the affidavit's evidence there is clear testimony that Mr. Nelson has obtained adequate training in the law and is suitably qualified and competent in the practice of the law. I say so particularly because he is, at least in the jurisdiction of his domicile, United Kingdom, the holder of a Letters Patent from Her Majesty as a Queen's Counsel, which is a rank, as is universally recognized, that is conferred on practitioners who have shown competence in the practice of the law, although recently, there have been some academic Queens Counsel; but that is not relevant for present purposes. But even so, they must have been established and recognized as academic leaders in the field of the law; and I refer in particular to the late Professor R.W.H. Wade, Q.C.
3. The question now for me to decide is whether the competence and qualification of Mr. Vincent Nelson entitles him to be admitted to practice law in Belize. He is holder of a Bachelor of Laws Degree with honours from the University of Birmingham and has been called to the Bar of England and Wales by the Honourable Society of the Inner Temple and an Ashworth Scholar of the Inns of Court in London.

4. I have had the benefit of very able representation and I dare say advocacy by Ms. Lois Young S.C. as to why the court should not accede to this application. I must confess myself to be worried by a trend that had been set in motion in this jurisdiction to have foreign counsel admitted and enrolled as attorneys-at-law for Belize. Yes, this may be testimony to the age of globalization in which we live in, but I cannot help but observe that the practice of the law, like any other profession, has a territorial jurisdictional base. Unless an appellant is within that jurisdiction, the chances of being admitted to practice his or her profession may well be slender; but the purport of subsection (1)(b) of section 6 is to envisage such a situation, and it endows the court with the necessary discretion if it is proved to its satisfaction, that an applicant has suitable training and competence, to admit that applicant who may not be from within the jurisdiction. I am of the considered view that this is a discretion that should be carefully exercised and possibly circumscribed to include in the future cases, a requirement of reciprocity with the domicile jurisdiction of an applicant and that of Belize.

5. I fully well recognize that subsection (2) of section 6 empowers me, as Chief Justice, to prescribe the practice and procedure to be followed in relation to applications under this section and that I may make regulations as to the requisite qualifications for admission to practice law and enrollment under paragraph (b) of subsection (1). No such regulations have been made nor has any practice or procedure been prescribed by me or my predecessors. I believe it is now time that this lacuna be filled even if only to affirm the undoubted quality of the Bar in Belize and to give the quietus to litigants that they can, like carpet baggers, fly in eminently qualified attorneys of their choice to come and argue cases here. Perhaps a meeting with the Bar Association to work out the practice and procedure and the regulations that may be necessary to give proper effect to the provisions of paragraph (b) of subsection (1) of section 6 is urgently

necessary in my view. A suitable regulation or procedure could be that if a particular litigant is desirous to bring in an attorney from outside the jurisdiction that attorney may be admitted only for that particular case in which he has been brought in. However, in the light of the evidence in this case, as I have said, I am convinced by the quality of the evidence that the applicant, Mr. Nelson, is suitably qualified and competent to practice law and I have every reason, especially in the light of his experience in the Privy Council in cases, albeit few, coming from the region, in particular Jamaica and Anguilla, he can practice law in Belize.

6. I therefore order that the applicant be admitted and enrolled as an attorney-at-law in Belize.

A. O. CONTEH
Chief Justice

DATED: 1st June 2007.