

Grand Cayman Marriott Beach Resort
389 West Bay Road
Grand Cayman
Cayman Islands, BWI
Cayman Islands

Tuesday, 12th May 2009

- - - - -
**CAYMAN TRIBUNAL RE: SECTION 493
OF THE CONSTITUTION**

AND

LEVERS J

- - - - -
Before The Tribunal:

Sir Andrew Leggatt (Chairman)
Sir Philip Otton
Sir David Simmons

- - - - -
MR TIMOTHY OTTY QC (instructed by Messrs Clifford Chance LLP)
appeared as Counsel to the Tribunal.

MR STANLEY BRODIE QC and MR ANTHONY AKIWUMI, of Messrs Stuarts
Walker Hersant, appeared on behalf of Madam Justice
Levers.

- - - - -
PROCEEDINGS
DAY FIVE

- - - - -
Transcribed by Harry Counsell
Official Court Reporters
Cliffords Inn, Fetter Lane,
London EC4A 1LD
Mobile 00 44 778833334
00 44 7884436781

= = = = =

PROCEDURAL MATTERS/RULING	3
YASMIN EBANKS	
Cross-examination by MR BRODIE (continued)	4
NORA EBANKS	
Examination in chief by MR OTTY	10
Cross-examination by MR BRODIE	15
TERRENCE CAUDEIRON	
Examination in Chief by MR OTTY	17
Cross-examination by MR BRODIE	25
DELENE CACHO	
Examination in Chief by MR OTTY	34
Cross-examination by MR BRODIE	35
LILLIAN CURBELO-BUSH	
Examination in Chief by MR OTTY	39
Cross-examination by MR BRODIE	46
CHIEF MAGISTRATE MARGARET RAMSAY-HALE	
Examination in Chief by MR OTTY	49
Cross-examination by MR BRODIE	54
Re-examination by MR OTTY	63
KARIN THOMPSON	
Examination in Chief by Mr Otty	65
Cross-examination by MR BRODIE	71
CHRISTOPHER LEVERS	
Examination in Chief by MR OTTY	73
Cross-examination by MR BRODIE	75

1 THE CHAIRMAN: Firstly, I shall give our ruling in relation to
2 Mr Dale Sanderson QC.

3 Mr Dale Sanderson is a Canadian national, who has
4 from time to time sat as an acting judge in this
5 jurisdiction. It is recognised by the Tribunal and by both
6 leading counsel that there is material before the Tribunal
7 which may be indicative of antagonism or animosity between
8 Madam Justice Levers and Mr Sanderson. The reasons for any
9 such antagonism or animosity are not relevant to this
10 inquiry.

11 In the course of his opening submissions on Day One
12 of the Inquiry, Mr Otty QC, counsel to the Tribunal,
13 declared that Madam Justice Levers has expressly
14 confirmed, in submissions dated 2nd April and 8th April
15 2009, that she makes no allegation before the Tribunal
16 against any other member of the judiciary. She has,
17 furthermore, stated that, while the Tribunal hearing may
18 embrace consideration of certain rumours relating to other
19 members of the judiciary, that consideration will be
20 confined to the provenance and currency of such rumours.
21 It will, accordingly, be no part of her case that those
22 allegations or rumours are well founded. The result is
23 that no party represented before the Tribunal will contend
24 that any of the allegations or rumours involving other
25 members of the judiciary, including allegations involving
26 court staff and which may be referred to in evidence or in
27 any documentation, are well founded and any reporting of
28 the Tribunal's proceedings should have full regard to that
29 fact.

30 Mr Sanderson has given a written statement to the
31 Tribunal, which has not been challenged or contradicted by
32 direct evidence. At no point was it suggested that Mr
33 Sanderson would be a relevant witness to give evidence
34 before the Tribunal until, in a response to supplementary
35 opening submissions of counsel to the Inquiry, areas of
36 cross-examination of Mr Sanderson were adumbrated on
37 behalf of Madam Justice Levers. The most serious area
38 consisted of an allegation that Mr Sanderson was party to

1 a conspiracy with three other named persons. No
2 allegations of conspiracy were put to any of those
3 persons, all of whom have already been called as
4 witnesses. The remaining areas of cross-examination relate
5 to particular rumours. For the purposes of this Inquiry,
6 it is not necessary to establish the provenance or
7 currency of the rumours.

8 For these reasons, the Tribunal will not require the
9 oral evidence of Mr Sanderson.

10 Mr Brodie, do you have further cross-examination of
11 this witness?

12 MR BRODIE: Yes, my lord.

13 THE CHAIRMAN: Will you be kind enough to proceed?

14 MR BRODIE: Yes, my lord.

15 **YASMIN EBANKS**

16 **Cross-examination by MR BRODIE (continued)**

17 MR BRODIE: Ms Ebanks, I take it that you have your witness
18 statement open in front of you, do you?

19 A. Yes, I do.

20 Q. At divider 18.

21 A. Yes.

22 Q. Would you please go to volume 2, page 402, please? This
23 is not in the core bundle as far as I know. Have you got
24 that, it is a memorandum to the Chief Justice from
25 yourself?

26 A. Yes, sir.

27 Q. Dated 29th April, 2008.

28 A. Yes.

29 Q. You can see in the first paragraph that it says, "I write
30 in respect of a request by the clerk of the court" - that
31 is Mr Foldats, is it?

32 A. Yes, sir.

33 Q. "Re conduct of Justice Levers towards me as per your
34 directions". What were the directions that you have
35 received from the Chief Justice?

36 A. The Chief Justice having met with Ms Webb, he asked the
37 clerk of the court to contact me to get information from
38 me how Justice Levers had conducted - actually how her

1 treatment was towards me.

2 Q. I am not just quite clear. Did the request come through
3 Ms Webb or did it come direct?

4 A. No. The request came through the clerk of the court, from
5 the Chief Justice to myself.

6 Q. I see, because the date of this report is exactly the same
7 date as the report made by Ms Webb, did you know that?

8 A. It is perhaps around the same time, but I do not know if
9 it was the same date as my memo.

10 Q. So did Mr Foldats come to see you or telephone you or
11 what?

12 A. No, he came to see me in my office, sir.

13 Q. In your office?

14 A. Yes, sir.

15 Q. And asked you to make a statement about how you had been
16 allegedly treated by Madam Justice Levers - is that right?

17 A. Yes, sir.

18 Q. Did you ever attend a meeting with the Chief Justice and
19 Ms Webb?

20 A. No, I had a meeting with the Chief Justice by myself but
21 not with Ms Webb.

22 Q. When did that take place?

23 A. The meeting was 28th September 2007, I met with the Chief
24 Justice.

25 Q. 27th September 2007?

26 A. Yes.

27 Q. Was that immediately after the incident in court of which
28 you complained?

29 A. It was the same day.

30 Q. I see. And so, if I can just take you back to 402, as far
31 as you are concerned your complaints really relate to what
32 transpired on 28th September 2007, is that right?

33 A. Yes, sir.

34 Q. Prior to that date had you had a perfectly cordial
35 relationship with Madam Justice Levers?

36 A. Yes, sir.

37 Q. And what do you mean when you say "I have been treated in
38 a different manner since 28th September"?

1 A. After the incident in court and I would send listing
2 enquiries to Justice Levers, she would remark insultingly
3 to me and there are other things that she would say to me
4 personally, for example, we have two separate buildings,
5 we have a court room that is in the building where she is
6 located and the main court hearing and due to my listing
7 sometimes I have to put her in the main court building. I
8 do recognise that she has a medical condition and I try my
9 best not to put her there, but sometimes I cannot avoid it
10 and I recall one day she called me and she said, "Yasmin,
11 why am I not in Court 5 and in Court 1", and I explained
12 to her that it was because the lease at the Grand Court
13 building does not allow us to have defendants who are in
14 custody. And she said "Well, I do hear custody matters
15 here" and I said "Yes, ma'am, but unavoidably I could not
16 help this one because sometimes that is the only building
17 and court room that has video link facilities and it just
18 happened that it will have to be over there". She said to
19 me "I am going to speak to the Chief Justice", and I said
20 "You can go", and she said "I am not playing politics
21 around here".

22 Q. Well, that is very interesting but on the 28th September
23 is the day when you say you were insulted by Madam Justice
24 Levers.

25 A. Yes, sir.

26 Q. And there are transcripts, are there not, which are
27 appended to this statement which we find on pages 405,
28 406, 407 and 408. That is right, is it not? Have you
29 found them?

30 A. Yes, sir.

31 Q. Let me see if I can shorten this. What was being
32 discussed on that day in the transcript was the vacation
33 of dates administratively, was it not?

34 A. Yes, sir.

35 Q. And what was happening was that Madam Justice Levers
36 discovered that criminal cases were having their dates
37 vacated without the defendant being present in court.

38 A. That is what she said.

1 Q. And Madam Justice Levers pointed out that where you have
2 defendants on bail, not those in custody, those on bail,
3 they might be in a position to say that they did not know
4 of the vacated date and any new date that was fixed. Do
5 you remember that?

6 A. Yes, sir; I did acknowledge that I listed - counsel
7 would have contacted me, but when I got the chance and I
8 looked back I did not list those matters, I was on
9 vacation. They were listed by either the deputy clerk of
10 the courts - but the way she approached me in court I did
11 not have a chance to examine the diary, and I know that
12 when defendants are on bail and hearings are going to be
13 listed administratively, I am aware that they have to be
14 notified, and I did not -- there is an email to that
15 effect, where Ms Gunn, the Crown counsel, has actually
16 sent an email and if you see I was not involved in that,
17 included in that email, I was off on vacation.

18 Q. If you could look at page 408, for example, and it is
19 quite difficult to read, pages 15 and 16, this subject is
20 raised and you have come into court to deal with the
21 matter, have you not?

22 A. Yes, I was invited, sir.

23 Q. And counsel have been discussing the subject with Madam
24 Justice Levers before you came in?

25 A. Apparently so.

26 9.45

27 Q. And all that she is saying there, it is rather difficult
28 to read because of the magic marker that has been used, it
29 is rather obscure, but if I can do my best, she says, "one
30 second, Ms Ebanks" - line 14 - "one second, Ms Ebanks" -
31 that is you - "who advises you?" I think that you
32 reproduce it in your witness statement, it is easier to
33 see there. If you will go back to your witness statement,
34 you have reproduced it. Paragraph 9 of your witness
35 statement. Do you see that?

36 A. Yes, sir.

37 Q. "Ms Ebanks, who advises you? Stand up, please. Who
38 advises you to vacate these dates administratively?" That

1 was the question that she raised with you.

2 A. Yes, sir.

3 Q. Then, if we go back to the transcript, you will find at
4 the bottom of page 15, you give her the answer and then
5 you say, "The Crown and defence contact me to list these
6 matters. It is their responsibility to let ..." And the
7 learned judge says, "Let me decide what their
8 responsibility is, but, according to you, it is their
9 responsibility to make sure the accused is here. Is that
10 what you are saying?"

11 A. Yes, sir.

12 Q. And you say, "Yes", is it?

13 SIR DAVID SIMMONS: "Yes, my lady".

14 MR BRODIE: Thank you. "The court must ensure" - and then, "the
15 ones that are in custody, my lady, the court ensures that
16 a production warrant ..." And Madam Justice Levers says,
17 "That is not the problem. The ones not in custody, if
18 defence can't get in touch with them, it is not the
19 Crown's duty to get in touch with them and they must be
20 present when the date is vacated, because - I will explain
21 to you why. They will legitimately say that the next date
22 they were not informed. I cannot lock Crown counsel up,
23 either counsel up for that - up for that or fine them,
24 because they have not given the court any undertaking, you
25 understand. If a warrant is issued for their arrest, it is
26 wrongful. So these matters cannot be administratively done
27 unless you get an undertaking from defence counsel that
28 their client will be present. Is that clear?" All she was
29 doing there, was she not, was explaining to you why these
30 cases could not be adjourned or the dates vacated
31 administratively, that is all she was doing, was she not?

32 A. Yes, she was.

33 Q. Why did you take offence at that, Ms Ebanks?

34 A. I did not take offence of this particular part of it. I
35 took offence of the way that she abruptly spoke to me in
36 court, knowing the relationship that Justice Levers and I
37 had, and she should at least have the courtesy to tell me
38 what transpired before I arrived up there, other judges

1 do.

2 Q. But this was an occasion when you were asked to come to
3 court because of a problem that had been identified
4 between the learned judge and counsel before you arrived.
5 That is right, is it not?

6 A. Yes.

7 Q. I really cannot understand why you took offence, Ms
8 Ebanks. It does not seem to me, with respect, that the
9 language that the learned judge used was particularly
10 offensive - was it?

11 A. Well, I took offence to it, sir, and I felt hurt the way
12 she spoke to me. The way how she was telling me, how she
13 explained to me, that is not what I take offence to, her
14 explaining to me.

15 Q. So you take offence, do you - what - because she did not
16 speak to you in quite the tone of voice you would have
17 liked, is that it?

18 A. Yes, sir.

19 Q. I see. I suggest to you that after that date you had it
20 in for Madam Justice Levers, did you not?

21 A. Not at all, sir, not at all. She and I spoke
22 professionally since this, but I am a human being and the
23 way that Justice Levers and I live, I am a human being and
24 I would never feel the same way about her, but I do not
25 hate her.

26 Q. I suggest to you, again, that this whole question of
27 insults is a complete lot of nonsense, is it not?

28 A. What insults, sir?

29 Q. The idea you were insulted is completely untenable; the
30 idea that you were insulted just does not work, does it?

31 A. It works for me. I felt upset about it, just when I have a
32 long good relationship with her.

33 MR BRODIE: That concludes my cross-examination.

34 THE CHAIRMAN: Yes, thank you. Mr Otty.

35 MR OTTY: I do not have any further questions. Thank you.

36 THE CHAIRMAN: Thank you very much, madam. I am sorry you had to
37 come back this morning.

38 A. No problem.

1 (Witness withdrew)

2 MR OTTY: Before calling Ms Nora Ebanks, who will be the next
3 witness, it may be helpful to note for the Tribunal's
4 reference that the listing complaints to which questioning
5 has been directed this morning were among matters excluded
6 from the statement of issues pursuant to submissions put
7 in by me on 16th March 2009. Those matters are not
8 allegations that Madam Justice Levers will be answering in
9 due course.

10 THE CHAIRMAN: I understand.

11 MR BRODIE: My lord, the reason that I asked questions was,
12 obviously, for a different purpose.

13 THE CHAIRMAN: Yes, I understand.

14 MR OTTY: Yes, I make no criticism of Mr Brodie.

15 THE CHAIRMAN: Thank you, Mr Otty.

16 MR OTTY: Could I ask Ms Nora Ebanks to come forward, please?

17 **NORA E EBANKS, Sworn**

18 **Examination in Chief by MR OTTY**

19 MR OTTY: Would you give your full name, please?

20 A. Nora E Ebanks.

21 Q. Thank you very much. You should find open in front of you
22 a bundle PL, with a statement in your name. Do you have
23 that?

24 A. Yes.

25 Q. It is at tab 7. Do you adopt that as your evidence before
26 the Tribunal?

27 A. Yes, sir.

28 Q. I would like to ask you about one or two matters in that
29 statement, Ms Ebanks, if I may. At paragraph 5 of your
30 witness statement, you say that you have read the
31 statement of Carol Rouse.

32 A. Yes, sir.

33 Q. You say, "I was the marshal in charge on that day".

34 A. Correct.

35 Q. "This statement contains many falsities". Now, you do not
36 specify it in your statement, but I think you are
37 referring there to the hearing of [REDACTED] - is that
38 right?

1 A. That is right.

2 Q. Your statement is signed or sworn on 25th October 2008.

3 A. Yes.

4 Q. We know the hearing in [REDACTED] took place in April
5 2008. Can you assist the Tribunal on when you were first
6 asked to recall the events at the hearing in April 2008?

7 A. April 2008. It was some time a couple of weeks before I
8 did the statement.

9 Q. A couple of weeks before you did the statement. Thank you.
10 Now, you say here that you had read the statement of
11 Carol Rouse.

12 A. Correct.

13 Q. Now, the main witness statement before the Tribunal of Ms
14 Rouse is, in fact, dated November 2008, so I think you are
15 referring there to an earlier statement from her, which
16 you will find at Bundle 2, page 592, which is at tab 30.

17 A. Yes.

18 Q. Would you like to read that? Is that the statement you
19 are referring to in your own statement?

20 A. Yes, sir.

21 Q. Now, Ms Rouse makes a series of points about the hearing
22 of [REDACTED]. She says that Madam Justice Levers was
23 guilty of constantly inappropriate facial expressions at
24 the hearing. She says she was guilty of rolling her eyes
25 and making expressions of disgust at different stages in
26 the hearing. Now, as to that, I assume from your
27 recollection, as best you can, you would not say that you
28 were looking at the learned judge's face throughout the
29 course of the hearing?

30 A. No, sir.

31 Q. Ms Rouse has raised the possibility that you may - and
32 others present in the court - have been using a Blackberry
33 or a mobile telephone during the course of the hearing -
34 is that possible?

35 A. Somebody was using a Blackberry?

36 Q. Yes. Did you have a Blackberry at the time?

37 A. I do not own one.

38 Q. How about a mobile telephone?

1 A. I have a mobile telephone.

2 Q. And might you have been using that at different stages of
3 the hearing?

4 A. We do not use phones in court.

5 Q. Can I show you a number of other detailed points made by
6 Ms Rouse? If you would like to take bundle 1, if you go
7 to tab 41 in that you will see a lengthy statement from Ms
8 Rouse relating to this hearing. It is paragraph 11 where
9 Ms Rouse deals with it. You accept, I think, that at this
10 hearing the jury laughed out loud on at least one
11 occasion, is that correct?

12 A. That is correct.

13 Q. Ms Rouse appears to recall more than one occasion,
14 repeated laughter. Is it possible that that is correct?

15 A. No, sir.

16 Q. Do you clearly recall that there was only one occasion?

17 A. Yes, because the guy fell asleep and he was snoring and
18 they laughed.

19 Q. The other jury members laughed.

20 A. Yes, sir.

21 Q. And Ms Rouse has said that the learned judge encouraged
22 the jurors in their laughing. What do you say to that?

23 A. That is not true, sir.

24 Q. Why do you say that that is not true?

25 A. Because she did not say anything. She did not have, you
26 know, any look or any laughter or anything. She just
27 looked, she did not say anything.

28 Q. Did she say anything in response to their laughing?

29 A. She did not say anything, because there was only one
30 laughter and everything just went back to normal.

31 Q. Thank you. Now, in that same bundle there is one further
32 matter that I would like to ask you about. Could you go
33 to tab 24 where you will find a statement from Ms Hennie?
34 If you go to paragraph 35 of that statement, tab 24, in
35 this paragraph Mrs Hennie describes an occasion when she
36 says you were in Madam Justice Levers' chambers in June of
37 2008 when Mrs Hennie was called in and you and Madam
38 Justice Levers were discussing the fact that the Chief

1 Justice had made undeserved promotions of unqualified
2 staff. Do you remember any such occasion?

3 A. The only time she speaks she asks me how my sister is
4 doing, how my parents are and that is about all we really
5 talk about. I have not had any conversation with Ms
6 Levers about anything like this.

7 Q. You have never had a conversation with Madam Justice
8 Levers about the Chief Justice?

9 A. No, sir. She do not speak to me about anything that she
10 does in the office, she will only ask me to pick up her
11 books, take them out, bring it in or if there is something
12 she wants me to do otherwise to carry it over next door to
13 bring back, I would do whatever she asked me to do, or if
14 there is something in court that she wants done I would do
15 what she asked me to do and that is about it.

16 Q. Do you ever recall hearing Madam Justice Levers asking Mrs
17 Hennie about a petition to the Governor? You see in this
18 same paragraph Mrs Hennie goes on to say that Madam
19 Justice Levers asked her about a petition to the Governor,
20 that it was a remark that the Chief Justice was too aloof
21 and that staff would go to her with their problems rather
22 than to him. Do you recall that conversation?

23 A. No, sir.

24 Q. You were in fact a signatory to a petition to the
25 Governor.

26 A. Yes, I was.

27 Q. And did you discuss that petition with Madam Justice
28 Levers at all?

29 A. No, sir. That was kept amongst all that was there who
30 signed the petition.

31 Q. Mrs Hennie also says in this paragraph that the reference
32 to the petition was followed by you saying that it could
33 lead to the Chief Justice being removed from office. What
34 do you say to that?

35 A. Not me, sir.

36 Q. If you would like to put that away for the moment and go
37 back to your statement, which is in the PL bundle; in
38 paragraph 8 of your statement, tab 7 in the PL bundle, you

1 say "I also know that Mrs Hennie refers to a conversation
2 in my presence in which I partook. That is or must be a
3 figment of her imagination."
4 A. Yes, sir.
5 Q. "I do not trust her and never did and so I would not say
6 anything in her presence". is this paragraph referring to
7 that alleged conversation that we have just been looking
8 at?
9 A. This, yes, that conversation there.
10 Q. When you say you would not say anything in her presence.
11 A. We had something once. I heard something once and I only
12 would come in and say good morning, good evening, how are
13 you doing, and that is about it. I have no conversations
14 with no one about nothing that goes on in the office.
15 Q. Who are you talking about now, you are talking about your
16 conversations with Mrs Hennie?
17 A. Yes.
18 10.100
19 Q. I have asked you whether you have ever discussed the Chief
20 Justice with Madam Justice Levers and you say you have
21 not. Have you ever discussed any question of promotion of
22 unqualified staff with Madam Justice Levers?
23 A. No, sir.
24 MR OTTY: Thank you very much.
25 SIR PHILIP OTTON: Mr Otty, do you want to explore paragraph 7
26 of her statement?
27 MR OTTY: I am grateful, Sir Philip. If I could just put to
28 you an account that has been given of hearings before
29 Madam Justice Levers by another witness who has given
30 evidence to the Tribunal. This is Ms Myren whose
31 statement you refer to in paragraph 7 of your own witness
32 statement.
33 A. Yes, sir.
34 Q. Do you have bundle 1 which had Ms Hennie's statement in
35 available?
36 A. Yes, sir.
37 Q. If you go to tab 34 and paragraph 11 of that, the
38 paragraph begins The trial itself. Do you have that?

1 A. Yes.

2 Q. "The trial itself becomes secondary to the constant
3 theatrics, bullying and hurtful comments that are
4 generated by Justice Levers. Justice Levers belittles
5 people to such a tremendous degree that I found myself
6 unable to even look up while this is happening. It is
7 very difficult to watch and to participate in proceedings
8 where people are routinely humiliated. I am so
9 embarrassed by what is going on and I feel very sad for
10 what of these people have to endure. It is incredibly
11 demoralising and extremely unprofessional. It is very
12 difficult to find words that accurately describe what
13 takes place for unless you had witnessed it you simply
14 would not believe that something like this could actually
15 take place in a court room". Could you give the Tribunal
16 your response to the impression that Ms Myren has set out?

17 A. I do not know exactly what she is really talking about
18 here, and when all of this occurred, but I know when I was
19 in court with her she has respect for all of us, marshals,
20 all of us there, she always called me by Miss Nora, called
21 me by my name and she respects us all, and she has never
22 ever said anything rude to me and the other clerks that
23 are there in court. If the witness came in and was not
24 dressed properly she will tell them about being dressed
25 properly, or a police officer come in with an ear ring she
26 will tell him to go and take it off. She is in charge of
27 her court, so it is her court and I cannot do nothing if
28 she tells someone to do something.

29 MR OTTY: Thank you very much, Mrs Ebanks. Thank you, Sir
30 Andrew, I have no more questions.

31 THE CHAIRMAN: Thank you Mr Otty. Yes, Mr Brodie.

32 **CROSS-EXAMINED BY MR BRODIE**

33 MR BRODIE: Ms Ebanks, would you go to page 69?

34 A. Which bundle.

35 Q. It is a divider without a number on it at the beginning of
36 the bundle. It is the PL bundle we are looking at. Have
37 you got that?

38 A. Yes.

1 Q. Do you see at page 68, just behind the first tab that has
2 not got a number on it, a blank tab at the beginning of
3 the bundle, can you see that?
4 A. The first thing on the list?
5 Q. You will probably find to start with tab one. Can you see
6 tab one there? Then you come to a blank tab and some
7 numbered pages.
8 A. Yes.
9 Q. If you go to page 68, one finds a letter signed by a
10 number of individuals including yourself.
11 A. Yes, sir.
12 Q. Where you say, "We have worked with the Honourable Justice
13 Priya Levers since she has taken office in the Cayman
14 Islands. We find her efficient, courteous and well
15 mannered in our day-to-day contact whether it is in court
16 or out of court. She controls her courtroom ..." and so
17 on. The statements there are signed by you and some other
18 people as well, are they not?
19 A. Yes, the marshals.
20 Q. They are the marshals, are they?
21 A. Yes, sir.
22 Q. And is the statement correct?
23 A. It is correct, sir.
24 Q. Would you now go to page 95, please?
25 A. Yes.
26 Q. This is an undated document.
27 A. Yes.
28 Q. Does your signature appear on here? Yes, it does, does it
29 not? It is number twelve.
30 A. Yes.
31 Q. And you say that Justice Levers had nothing to do with the
32 employee petition to His Excellency The Governor.
33 A. Correct.
34 Q. Did you have something to do with the petition?
35 A. I signed it.
36 Q. Did you have something to do with the petition?
37 A. The petition?
38 Q. Did you sign the petition to the Governor?

1 A. Yes, I did, I signed it.
2 Q. And did you also participate in discussions before the
3 petition was finalised and sent?
4 A. Yes, we did have a discussion.
5 Q. Not with Madam Justice Levers?
6 A. No, not with her, but we had a discussion.
7 Q. So you were a participant in the discussions relating to
8 the petition?
9 A. Yes.
10 MR BRODIE: I have no further questions.
11 THE CHAIRMAN: Thank you very much. Thank you, madam, you are
12 released by the Tribunal.
13 **(Witness withdrew)**
14 MR OTTY: The next witness is Ms Caudeiron.
15 **TERRENCE MIRIAM EVELYN CAUDEIRON**
16 **Examination in Chief by MR OTTY**
17 MR OTTY: Ms Caudeiron, you will find open on the table in front
18 of you at tab 7 of bundle one a witness statement in your
19 name. Do you have that?
20 A. Yes, I do.
21 Q. And do you adopt it as your evidence before the Tribunal?
22 A. Yes, sir.
23 Q. If you could do your best, Ms Caudeiron, to keep your
24 voice right up so that everyone in court can hear you, I
25 would be very grateful.
26 A. Yes.
27 Q. Ms Caudeiron, at paragraph 8 of your witness statement you
28 describe a conversation that you had with Madam Justice
29 Levers in relation to the appointment of a research
30 analyst in the court. Do you see paragraph 8?
31 A. I do.
32 Q. You say "Justice Levers called me at home". And it
33 appears from the subsequent reference in the statement at
34 paragraph 16 that this was a telephone call that Madam
35 Justice Levers made to you at home, is that right?
36 A. Yes.
37 Q. How long did that telephone call last?
38 A. It was very short. I tried to keep it short.

1 Q. Why did you try to keep it short?
2 A. Because I do not like the topic of the conversation.
3 Q. Because you felt uncomfortable about it?
4 A. I was very uncomfortable.
5 Q. So how did you bring the conversation to an end?
6 A. I just did not respond, I just said that I felt a bit
7 disappointed and I just had sort of no response and,
8 therefore, you cannot continue with it.
9 Q. I see. At paragraph 9 of your statement you deal with
10 correspondence in the Cayman Net News in June 2007 about
11 the - I am sorry, if we could go back and try to date
12 precisely when the telephone conversation you have
13 described in paragraph 8 occurred?
14 A. I believe it was late May or early June 2007.
15 Q. 2007, yes. I think that the documents indicate that Ms
16 Chesnut was actually appointed as research analyst in June
17 2007. Now, at paragraph 9 you say, "Given the
18 conversation that I had had with Justice Levers, I was
19 surprised to then read letters published in the Cayman Net
20 newspapers in June 2007 about the research analyst
21 position. When I read one of the letters, I was struck by
22 how similar the words used were to what Justice Levers had
23 said to me in our earlier conversation".
24 Now, in our bundles the only June 2007 correspondence
25 that we have addressing the question of the legal analyst
26 is that that you will find in the core bundle at page 212.
27 If you would like to take the core bundle, do you have on
28 that page an extract from the newspaper letter headed,
29 "Why not use local lawyers?"
30 A. Yes.
31 Q. In the second column of that we have a passage beginning
32 "Case in point, the recent job advertised for a research
33 analyst for the courts". Do you have that?
34 A. I have it, yes.
35 Q. Is this the article that you are referring to in paragraph
36 9 of your witness statement?
37 A. I do not know this article. There was another letter on
38 27th June which sounded more like what I had heard from

1 her, but I am not going to hold myself to that because I
2 do not think that we have the complete set of letters.

3 Q. Let us have a look at our bundle N. If you could go to
4 tab 8 in that bundle, page 31, where you will find a
5 letter dated 27th June. It is from a MaryLee G Roberts
6 (nee Jackson).

7 A. Yes.

8 Q. It is from this document that we get the date of 14th June
9 for the Richard White letter that we were just looking at
10 a moment ago, because that does not bear any date. This
11 goes on to respond to that letter and involves some
12 criticism of the Chief Justice towards the end. "As Mr
13 White clearly indicates the laws of the land must be
14 upheld by everyone, including the Chief Justice". Now,
15 are you saying that you believe that it was this letter
16 that you refer to in paragraph 9?

17 A. The third paragraph talks about her not having a degree.

18 Q. Yes.

19 A. It might have been this letter, but there is an editorial
20 as well on 14th June which I have not seen. I am not
21 sure. If we have the complete documents, then this will be
22 the letter that sounds most like her.

23 Q. 27th June letter is the letter that sounds most like her?

24 A. Yes. The one on 17th does not sound like what she was
25 telling me.

26 Q. Yes, because in paragraph 9 of your statement, you say,
27 "when I read one of the letters I was struck by how
28 similar the words used were to what Justice Levers had
29 said to me in our earlier conversations". Which
30 particular words in the third paragraph that you have
31 identified were similar to those that Justice Levers had
32 used?

33 10.15

34 A. This idea that she did not have the necessary
35 qualifications.

36 Q. Thank you. In paragraph 10 of your witness statement you
37 say "Mrs Elizabeth Webb and I had some discussions after
38 the letters started appearing in the Cayman net News that

1 were critical of the Cayman judiciary." Are you able to
2 assist the Tribunal on when you started having those
3 discussions with Mrs Webb?
4 A. I suppose it started off like a joke, like we would see a
5 letter and say that is probably her, but we were not
6 serious, it was not anything serious. Little things
7 started to appear in June of 2007.
8 Q. Yes, and you said it was probably her but you were not
9 really serious.
10 A. We were not serious.
11 Q. What made you even suggest to each other that it was
12 probably her?
13 A. I think by that time -- that was June, and the Chief
14 Justice had written her a letter, and we knew that once
15 you crossed Justice Levers things begin to happen.
16 Q. How did you know that the Chief Justice had written her a
17 letter?
18 A. Mrs Ebanks told me. I am only in touch with Mrs Webb or
19 Mrs Ebanks. One of them told me.
20 Q. That is Mrs Yasmin Ebanks?
21 A. Yes.
22 Q. Then paragraph 11 you say you were away from Cayman in
23 England for the entire month of July. On your return you
24 spoke to Mrs Webb who told you that she had seen a letter
25 in Justice Levers' possession under the name of one Barton
26 before it was published in the Cayman Net News. I do not
27 believe I have ever seen or read the Barton letter. You
28 returned in early August 2007, did you, to the Cayman
29 Islands?
30 A. I did.
31 Q. How long after your return did you have the conversation
32 with Mrs Webb that you describe in paragraph 11?
33 A. I think it had to be the end of August, because I came
34 back and I had to go back to work and put my desk in
35 order at a court hearing, so it could have been the end of
36 August.
37 Q. And you say you then advised her that she should report
38 this and any other concerns you might have to the Chief

1 Justice, and you then go on in paragraphs 13 and 14 to
2 describe an exchange which you had with Madam Justice
3 Levers in her chambers after an ex parte application which
4 you were making.

5 A. Yes.

6 Q. And you say there that she told me that the Chief Justice
7 had written her a letter in which he said she might not be
8 fit for high office.

9 A. Yes.

10 Q. And you were already aware of that letter at the time?

11 A. I was aware of the letter but I was not aware of the
12 content, and when she told me that I was shocked, I could
13 not believe it that it had been written to her, or that
14 she had repeated it to me.

15 Q. How did you respond when she said that to you?

16 A. I think I probably just looked at her with this look on my
17 face because I knew that this was really bad.

18 Q. You say she said that the letter had all the hallmarks of
19 Justice Sanderson and she felt the Canadian court
20 reporters were also involved. She also said that
21 Campbells, a local law firm, could not be trusted because
22 they had also made a complaint against her. From now on
23 she was going to be recording them on tape whenever they
24 appeared before her. Did you make a note of this hearing
25 at the time? Or did you make a note of these exchanges
26 rather at the time they occurred?

27 A. No. When something is so stark in my memory I do not have
28 to make a note, it just is there.

29 Q. At paragraph 14 you go on to say that Madam Justice Levers
30 had requested an enquiry and that she had compiled a list
31 of issues that she would like to bring out if such an
32 enquiry were called. I do not want to go through
33 individually each of those issues, but I would like to ask
34 you how clear you are in your recollection that she did
35 say words to that effect?

36 A. I have no doubt in my mind what was said.

37 Q. I would like to show you what Madam Justice Levers has
38 said in response, and it is right to say that it is quite

1 brief. If you go to bundle PL and go to tab 1A. In tab
2 1A you will find slightly confusingly two documents headed
3 Supplementary witness statement of Madam Justice Levers,
4 one dated 31st March 2009 and one dated 1st April 2009;
5 and on this matter they have slightly different content.
6 I would like you to look at the first of them.

7 A. I think I am lost, where am I?

8 Q. Behind tab 1A you should have a document headed
9 Supplementary witness statement. Do you have that?

10 A. I do.

11 SIR PHILIP OTTON: We have only got the 1st April.

12 MR OTTY: I am sorry, sir, both of them should be in the
13 bundle.

14 THE CHAIRMAN: What was that gesture meant to be.

15 SIR PHILIP OTTON: I think we are being misunderstood. You
16 referred to two statements, one dated 31st March.

17 MR OTTY: I have, sir.

18 SIR PHILIP OTTON: And a second statement dated 1st April both
19 headed Supplementary witness statement, but we only have
20 one in our bundle and that is the one of the 1st April.

21 MR BRODIE: May I explain how this rather extraordinary
22 situation came about. It was due to difficulties in
23 communication between London and George Town and what
24 happened was I was being asked to advise and consider the
25 draft statement and unfortunately in transmission an
26 incomplete version of the statement came through. It then
27 had to be redone to get a complete one and there is a
28 slight difference in text between the amended one, the one
29 that should have had all the pages in and the one that did
30 not. But some of the pages were lost in the ether and
31 that is how your Lordships come rather inconveniently to
32 have two versions of the document. If you look at the
33 March 31st one you will see that certain of the paragraphs
34 are self evidently missing, those do not appear in the 1st
35 April one.

36 SIR PHILIP OTTON: The point we are making, Mr Brodie, is that
37 we have not got the 31st March.

38 MR BRODIE: As far as I am concerned it is just as well,

1 because the 31st March was superseded by the 1st April.
2 THE CHAIRMAN: 1st April is your version?
3 MR BRODIE: They are both our versions but the 31st March one
4 is incomplete.
5 THE CHAIRMAN: I am sorry, I meant your personal version.
6 MR BRODIE: I have both of them in my bundle.
7 MR OTTY: I am sorry for the inconvenience, sir, and they
8 should both have been in the bundle and we raised this
9 with Madam Justice Levers' team and we thought that had
10 been achieved. A copy is being provided now.
11 THE CHAIRMAN: Go ahead, Mr Otty.
12 MR OTTY: I will sir, thank you. I will read to you if I may
13 just the one sentence which you will not find in the
14 statement you have I am afraid, Ms Caudeiron, because this
15 sentence is omitted from the 1st April statement, but in
16 comment on your evidence in the 31st March statement Madam
17 Justice Levers says this: "Mrs Caudeiron, is repeating
18 what Mrs Webb says. Obviously I could not have asked for
19 an enquiry in these circumstances," and then she goes on
20 to make a remark about one of the specific allegations you
21 have listed which I do not believe I need go into in
22 direct questioning with you, but in her second witness
23 statement, the second supplementary witness statement
24 which the Tribunal does have and which you do have if you
25 go to the penultimate page of that under the heading
26 paragraphs 53 to 58 we have your evidence addressed in the
27 last paragraph on that page and all that is said there is
28 that Mrs Caudeiron is repeating what Mrs Webb says, so
29 there is no comment at all in that second supplementary
30 statement about your assertion that Madam Justice Levers
31 told you that she wanted to create an inquiry. It appears
32 from that first statement and first passage that I read
33 from Madam Justice Levers' statement that she is
34 challenging the truthfulness or reliability of what you
35 say when you had said in your witness statement that she
36 referred in terms to her desire for there to be an
37 inquiry, and I would like you to comment on that
38 possibility.

1 A. This is what she told me, it is what I remember, and when
2 I heard all of this, I think she had a list in front her
3 ticking off the things, telling me like she is reading
4 them, and I left there feeling the relationship between
5 the Chief Justice and Madam Justice Levers is finished,
6 there is no turning back.

7 MR OTTY: Thank you. Ms Keenlyside is providing I think a
8 copy of the original.

9 THE CHAIRMAN: Thank you.

10 MR OTTY: Sir, for the record the passage I read out to Ms
11 Caudeiron and for Ms Caudeiron to look at, if you go to
12 the second page of this document in the second paragraph
13 on that page you will see in the second line Mrs Caudeiron
14 is repeating what Mrs Webb says, and then a sentence
15 beginning Obviously I could not have asked for an inquiry,
16 and then it continues and the sentence concludes as I knew
17 nothing. Do you see that?

18 A. Could you repeat that?

19 Q. The sentence begins Obviously I could not have asked for
20 an inquiry in these circumstances. Do you see that
21 sentence?

22 A. Yes, I see that.

23 Q. That for the record is the sentence that is then omitted
24 from the 1st April supplementary statement.

25 MR OTTY: Thank you, sir, I do not have any more questions of
26 Mrs Caudeiron.

27 THE CHAIRMAN: Thank you. Mr Akiwumi?

28 MR BRODIE: Sir, before I call Mr Akiwumi to cross-examine
29 may I just invite your Lordships attention because it has
30 become self-evident as to what was lost in the first
31 statement; if your Lordships look at the one on the 31st
32 March you will find that on page 1 it addresses paragraphs
33 26 to 27.

34 THE CHAIRMAN: Yes.

35 MR BRODIE: Which I think were paragraphs of Mr Otty's draft
36 statement of issues. Then you will see that the next
37 heading you will see over the page was 59 to 62. Does
38 your Lordship see that?

1 THE CHAIRMAN: Yes, I see that.

2 10.30

3 MR BRODIE: If your lordship then goes to the next statement,
4 1st April one, you will see on page 1, 26 to 27 on the
5 first page. Then it jumps straightaway to the bottom of
6 page 3, which begins with the words "Mrs Howell, Nora
7 Ebanks, Lorna Allen", etc. I am sorry, it starts, "I deny
8 having the conversation" just under paragraphs 53 to 58.

9 THE CHAIRMAN: Yes.

10 MR BRODIE: Then it is taken up again on 31st March on page 2.
11 It is self-evident that a huge chunk of this statement was
12 missed out when it was signed and sent.

13 THE CHAIRMAN: Yes.

14 MR BRODIE: Then I think, when it was redone, one or two
15 alterations were made, but we were asked about this and we
16 are content to adopt both statement.

17 THE CHAIRMAN: I understand. Thank you for the explanation. Mr
18 Akiwumi.

19 **CROSS-EXAMINATION By MR AKIWUMI**

20 MR AKIWUMI: Thank you, my lord. Ms Caudeiron, I just want to
21 ask you a number of questions, firstly in relation to
22 this. Are you a Jamaican national originally?

23 A. I am Caymanian.

24 Q. You are Caymanian, are you?

25 A. But I am Jamaican originally.

26 Q. And you have known Madam Justice Levers for some time?

27 A. I have, since she came to the court.

28 Q. And in that period you had a cordial relationship?

29 A. On the face of it, I would say.

30 Q. On the face of it you had a cordial relationship?

31 A. Yes.

32 Q. On the face of it, she never discriminated against you?

33 A. No, I do not think she had any reason to. I was cordial
34 to her.

35 Q. Indeed. But were you aware of her ever discriminating
36 against any Jamaican?

37 A. Discriminating against a Jamaican - you mean per se?

38 Q. Yes.

1 A. No.

2 Q. Thank you. The next point I want to ask you about is as
3 follows. You were asked by Mr Otty in connection with your
4 statement at paragraph 8 the appointment of a research
5 analyst who turned out to be Ms Katherine Chesnut.

6 A. Yes.

7 Q. Did you see an advertisement in the local newspaper for
8 the job of a judicial research officer?

9 A. Did I ever see one?

10 Q. Yes.

11 A. Yes, I did.

12 Q. And was that advertised in the Caymanian Compass and/or
13 the Cayman Net News?

14 A. I am not sure, it could have been in both or in the
15 Caymanian Compass alone, I do not know.

16 Q. Before I ask you about what the advertisement contained,
17 is it right that prior to you moving into private
18 practice, you had worked at the Grand Court, effectively,
19 providing research assistance to judges of the Grand
20 Court?

21 A. Yes, I did.

22 Q. So that your job entailed research and helping in the
23 drafting of judgments, looking into authorities of
24 overseas jurisdictions and the Cayman Islands, etc.

25 A. Yes.

26 Q. If you turn over to page 80 of bundle PL, and, when I say
27 page 80, if you look at bundle PL, there is some confusion
28 about bundle PL, you will see tab one.

29 A. Yes.

30 Q. And behind tab one there is a blank tab.

31 A. Yes.

32 Q. Now, in the blank tab, if you turn to page 80. It is
33 handwritten.

34 A. OK.

35 Q. Do you see there that that is an advertisement from the
36 Cayman Islands Government on behalf of the judicial
37 administration for the post of judicial research analyst?

38 A. I see it, yes.

1 Q. And the job description is as follows, "The research
2 analyst will provide assistance to the Chief Justice and
3 puisne judges in their official capacities by researching
4 laws, rules, precedents, etc. The post holder will be
5 responsible for compiling statistical databases
6 coordinating operations of the drug treatment court and
7 implementing all court based initiatives under the
8 alternative sentencing law. Proofreading draft judgments
9 to ensure accuracy is an important component of the job,
10 as is the requirement to prepare draft opinions and
11 speeches. The post holder will also be responsibility for
12 responding to questions posted on the judicial website and
13 ensuring the timeliness, accuracy and quality of the
14 website's information". Then the next paragraph deals
15 with the following: qualifications, experience and skills.

16 "The successful applicant will be an attorney at law or,
17 alternatively, will have legal experience with a
18 combination of technical skills, knowledge of the court
19 systems and be able to prioritise his/her work schedule in
20 order to meet timetables set by judges".

21 Now, there is no disagreement between you and I that
22 this was the advert that was placed in the paper for the
23 position of judicial research assistant.

24 A. If you say so.

25 Q. Now, in respect of the advertisement it is fair to say
26 that other than the reference to the drug treatment court,
27 it reflects the job that you used to do prior to you
28 moving into private practice.

29 A. Yes.

30 Q. It is an obvious point, but I will make it, in any event,
31 you were and are qualified as a practitioner of laws in
32 the Cayman Islands and attorney at law in the Cayman
33 Islands.

34 A. Yes, I am.

35 Q. And you got your degree from the Cayman Islands Law
36 School?

37 A. Yes.

38 Q. Now, turning back to paragraph 8 of your statement, you

1 are aware, are you not, that, in fact, the person who was
2 appointed to the job as a research analyst did not, in
3 fact, hold a law degree.

4 A. I know that, yes.

5 Q. And you are also aware that there was, if I can put it
6 neutrally, concern locally about the fact that a person
7 who was unqualified for the job as it appeared in the
8 advertisement had been given the job.

9 A. What do you mean "aware locally"?

10 Q. There were discussions in the press about the fact that a
11 person who was not qualified for the job had, in fact,
12 been given the job.

13 A. I saw it in the papers, yes, I saw it in the letters, yes.

14 Q. You saw it in the letters?

15 A. Yes.

16 Q. Did you also hear it on the radio?

17 A. No, I do not listen to the radio, I listen to music in the
18 car.

19 Q. Is that because you find the radio shows quite frustrating
20 sometimes to listen to? All right. Now, moving on. It
21 had come to the press's attention and you pointed to the
22 letter of 14th June.

23 A. Yes.

24 Q. And that is an example of a discussion that was taking
25 place in the press about this appointment. Were you also
26 aware that a lecturer at the law school had applied for
27 the job and had not been given the job?

28 A. No, I was not.

29 Q. Were you aware that the pay that was being given to the
30 new appointee was significantly higher than that which you
31 had received whilst ...

32 A. Yes, I was very much aware of that.

33 Q. You were very much aware of that?

34 A. Yes, I had an interest.

35 Q. You had an interest.

36 A. Yes.

37 Q. Thank you. It was natural for you to have an interest.

38 A. Certainly.

1 Q. And natural because you had done the job, you were
2 qualified and this other person was not - yes?

3 A. No, I wanted more pay. The Chief Justice had tried and he
4 did not get it. So I moved on.

5 Q. I see. If I take a step back, you had asked for more
6 money for the job that you were doing.

7 A. No, the Chief Justice felt that I should have more money.
8 He tried on my behalf and was denied.

9 Q. So you then decided to move into private practice?

10 A. Well, it was my time to go.

11 Q. And thereafter you discover that the new appointee is
12 actually getting more money than you were getting.

13 A. Yes, but I was not upset.

14 Q. But you were, as you say, naturally very interested.

15 A. Yes.

16 Q. You were disappointed, were you not?

17 THE CHAIRMAN: This is getting rather far from the issues that
18 we have to decide.

19 A. Yes, it is.

20 MR AKIWUMI: I will move on. All I will say is this. When it
21 came to your discussion with Madam Justice Levers in or
22 around June, as you said in evidence in chief, 2007,
23 certainly, naturally, you were concerned by the fact that
24 this person had been given the job and that you were
25 disappointed that this person was getting more money than
26 you.

27 A. Yes, that is why I used the word, I was a bit
28 disappointed.

29 Q. All right. Let me ask you about the other letters that
30 appeared in the newspaper. One of the things that you
31 said in your statement - which is the last sentence of
32 paragraph 9 - "When I read one of the letters I was struck
33 by how similar the words used were to what Justice Levers
34 had said to me in our earlier conversation".

35 Now, I do not know whether you have actually told us
36 about this, but what were the actual words that you say
37 were used by Justice Levers in the conversation that you
38 had had about the analyst's job?

1 A. It is too far along to say what were the exact words, but
2 I can tell you when I read the thing it just jumped out at
3 me, it just sounded like her.

4 Q. Is this something that a lot of people felt.

5 A. I do not know what other people felt, I am telling you
6 what I felt.

7 Q. I am suggesting to you that the concern that was about in
8 connection with this particular job appointment was not
9 unique to Madam Justice Levers.

10 A. She was the one I had the conversation with.

11 Q. It was not unique to her, was it?

12 A. Perhaps not. You will have to ask other people.

13 Q. It was not unique to you either, you had some concern
14 about it.

15 A. Yes.

16 Q. But you cannot remember anything unique that she said that
17 you saw in the letter that you referred to earlier that
18 stands out as being directly attributable to Madam Justice
19 Levers?

20 A. I cannot give you exact words, but I can summarise and I
21 did just that.

22 Q. But it is a supposition that you are making rather than
23 actually knowing that Madam Justice Levers was the author
24 of that letter.

25 A. I am saying to you that I do not know if she was the
26 author. I am saying that, when I read the letter, it
27 jumped out at me, because it sounded like her, that is all
28 I am saying. I am not saying she did it, I am saying it
29 sounded like her.

30 Q. Thank you. You also said that when these letters started
31 to appear in the press, you had a number of conversations
32 with Betsy Ebanks.

33 A. Elizabeth Webb.

34 Q. I am sorry, Elizabeth Webb, in connection with these
35 publications - yes? That is what you said in answer to Mr
36 Otty.

37 A. A number of conversations, yes.

38 Q. And you were both in a joking manner speculating that

1 Madam Justice Levers was the author of the letters.
2 A. Yes.
3 Q. Now, you agree with me that you had no basis, other than
4 what you say was the similarity of the words, you had no
5 basis for concluding at that time that Madam Justice
6 Levers was the author of these letters?
7 A. We did not conclude; it was not a conclusion. What it was
8 that we knew that the Chief Justice had written her this
9 letter. I knew that, if you crossed Justice Levers, you
10 are on the line and these letters began appearing and we
11 said we wondered if ...
12 Q. So you wondered if?
13 A. Yes.
14 Q. And, essentially, the two of you were gossiping?
15 A. No, we were not gossiping. No, it was not gossip. She
16 would call me and say, "Have you read the papers today?" I
17 do not call it gossiping.
18 Q. I see. What would you call it?
19 A. We are concerned about the judiciary, because here are
20 these letters just appearing about the judiciary, an
21 institution which I look up to, and I did not like what
22 was happening.
23 Q. But you had a number of conversations with Elizabeth Webb?
24 A. When you say "a number" you are making it sound as if we
25 met hush-hush in the corridors. No, if I call her, "how
26 are you today?" or she call me and said, "Have you seen
27 the papers today? There is another letter appearing". We
28 are friends.
29 Q. I was not ...
30 THE CHAIRMAN: Let her answer.
31 MR AKIWUMI: I was not suggesting that you were both in a dark
32 corner conspiring or whispering, all I am saying is that
33 both of you had conversations.
34 A. We had conversations, Elizabeth Webb is my friend and I
35 call her and speak to her, I advise her, yes.
36 Q. You have worked with her before.
37 A. Of course.
38 Q. When you were working in the courthouse?

1 A. Yes.

2 Q. Did you have that conversation also with Ms Yasmin Ebanks?

3 A. It was mostly with Betsy.

4 Q. But did you have similar conversations with Yasmin Ebanks?

5 A. I would not say no. I would say yes, because it would

6 have to be yes, because we are friends. Friends talk.

7 MR AKIWUMI: Thank you. My lord, I wonder if this is a

8 convenient moment for a break, I see the time.

9 THE CHAIRMAN: Have you concluded your cross-examination?

10 MR AKIWUMI: No, I have not, I have a number of questions.

11 THE CHAIRMAN: Carry on.

12 10.45

13 MR AKIWUMI: Certainly, I am quite happy to. Let me ask you

14 this. When Betsy Webb told you about the document that was

15 found in Madam Justice Levers' car, do you remember that?

16 A. I remember that clearly.

17 Q. And do you remember that she wanted to photograph this

18 document?

19 A. She wanted to keep a copy of it because she did not know

20 what was the significance of it and she did not want

21 somebody to say that she had not seen it.

22 Q. Did she tell you at that time that she thought that the

23 document contained the predictions of a psychic?

24 A. No, she did not.

25 Q. Now, when you went to see Madam Justice Levers in the

26 August 2008, a discussion which you refer to ...

27 A. 2007.

28 Q. 2007, I am grateful. You accept that it was a private

29 conversation that you had with the judge.

30 A. Yes.

31 Q. Did you get the impression that she wanted you to tell

32 anyone else about the conversation that you had with her?

33 A. I guess not.

34 Q. Can I ask you this? When did you come to be asked to give

35 a statement in connection with your conversations - your

36 private conversations - with Madam Justice Levers?

37 A. Do you want the chronology?

38

1 Q. Yes, when was the first time you were asked about it?
2 A. The first time I was asked was the date on that first
3 thing about the Barton letter, I think it was 26th May. Do
4 you have it?
5 Q. That is right. I think that is a letter that you wrote to
6 the Chief Justice.
7 A. Correct.
8 Q. And it was a short letter, was it not?
9 A. Yes.
10 Q. And then you were asked by the Chief Justice to provide a
11 longer letter of everything that you could remember about
12 your conversations with Madam Justice Levers.
13 A. Yes.
14 Q. And you provided that also on 26th May?
15 A. 27th May.
16 Q. 27th May?
17 A. Yes.
18 Q. Prior to that, and after your conversation in June 2007
19 with Madam Justice Levers ...
20 A. August.
21 Q. I am sorry, August 2007 with Madam Justice Levers, there
22 was nothing that struck you about your relationship with
23 Madam Justice Levers that you thought you should be
24 reporting to anyone. There was no interaction, you simply
25 continued to have a professional relationship with Madam
26 Justice Levers?
27 A. Yes, I very much tried to keep it that way.
28 MR AKIWUMI: Thank you.
29 THE CHAIRMAN: Yes, Mr Otty.
30 MR OTTY: I do not have any further questions. Thank you, sir.
31 THE CHAIRMAN: We will break now, Mr Otty, until five-past 11.
32 MR OTTY: Thank you, sir.
33 THE CHAIRMAN: Thank you, madam, you are released by the
34 Tribunal.
35 **(Short Adjournment)**
36 THE CHAIRMAN: Yes, Mr Otty.
37 MR OTTY: Thank you, sir. The next witness is Mrs Cacho
38 whose witness statement is at tab 6 of bundle 1.

1 **MRS LILLIAN CACHO: Sworn**

2 **EXAMINED BY MR OTTY**

3 MR OTTY: Thank you, Mrs Cacho. As I indicated your witness
4 statement is at tab 6 in the bundle in front of you. Do
5 you see that?

6 A. Yes, I do.

7 Q. And you adopt it as your evidence before the Tribunal?

8 A. Yes, I do.

9 Q. I have only one or two further questions for you. First
10 relates to paragraphs 14 to 16 of your witness statement
11 where you say "Sometime in 2007 Mrs Webb, known as Betsy,
12 came to speak to me after visiting the doctor. She said
13 she was unwell and suffering from stress. She seemed to
14 be saying that Justice Levers' discussions with her about
15 other staff members were the cause of the stress".
16 Firstly are you able to date any more precisely than
17 sometime in 2007 the occasion upon which this conversation
18 took place?

19 A. No, I am unable to.

20 Q. We have heard from Mrs Webb that she was ill and visited a
21 doctor around the end of July or early August 2007. Is it
22 possible that the conversation was around then or are you
23 simply not able to assist?

24 A. it is possible. She only spoke to me one time, that she
25 had gone to the doctor and when she had gone to the doctor
26 and come back from the doctor she came to me at my office
27 and said that because she was not feeling well and she had
28 talked to the doctor about certain stresses and she said
29 to me she was going back to her office and she would tell
30 Justice Levers that she would not be speaking with her,
31 she did not want to hear any more from Justice Levers
32 about staff and things going on about staff. That is how
33 we left it. I did not tell her what to do, she just left
34 my office.

35 Q. So from that account it appears that there was no direct
36 reference by Mrs Webb to members of the judiciary in her
37 conversation?

38 A. No, she just said staff. She did not say judiciary, she

1 just said members of staff.

2 Q. Thank you. Then paragraph 20 of your witness statement,
3 would you like to read that to yourself.

4 A. Yes.

5 Q. I do not want to go into detail about the rumour referred
6 to there, but I do want to put one matter to you and that
7 is this. Madam Justice Levers has denied that she ever
8 suggested that rumours to the effect recorded in this
9 paragraph were well founded.

10 A. When she discussed it with me I got the impression from
11 her that it was something that was the truth as such, but
12 it is the way that Justice Levers speaks at times, people
13 or to me, and I am a believer, I believe what people tell
14 me until they are proved differently, and I have always
15 believed when Justice Levers spoke to me about anything, I
16 believed it to be the truth.

17 Q. And so you understood her to be asserting that the rumour
18 was in fact true?

19 A. Yes.

20 MR OTTY: Thank you very much, Mrs Cacho, I have no further
21 questions.

22 THE CHAIRMAN: Mr Brodie.

23 **CROSS-EXAMINED BY MR BRODIE**

24 Q. Mrs Cacho, I wonder if you would go to divider 10 in the
25 witness bundle. There you will find a statement from Mrs
26 Curbelo-Bush.

27 A. Yes.

28 Q. Would you look at paragraphs 28 and 29. Do you see that?

29 A. Yes, sir.

30 Q. Looking at paragraph 28 do you disagree with anything that
31 is said in that paragraph?

32 A. there are several things in this paragraph, sir. There
33 were always, yes. I will agree with that. I did not hear
34 in the office or anywhere that this person was hand picked
35 as such. I know that the Chief Justice had conversations
36 with me with regard to this person. I would not say the
37 person was hand picked.

38 Q. Was she the preferred candidate as far as the Chief

1 Justice was concerned?

2 A. Yes.

3 Q. I will go back to your evidence about it but when the time
4 came for the job to be filled the Chief Justice wanted to
5 bypass the need to have it advertised, did not he?

6 A. Yes, he did. In the regulations you can do that. Once
7 you justify the reason for not advertising the position
8 and the portfolio is satisfied, yes, you can do that.
9 Hence we sent a memo to the portfolio civil service.

10 Q. Unfortunately the authority did not agree with that, did
11 they?

12 A. You are right, sir.

13 Q. And one finds that referred to in your statement at
14 paragraph 18. That is right, is it not?

15 A. Where am I?

16 Q. I am sorry, back in your own statement.

17 A. What tab is that?

18 Q. Tab 6. Paragraph 18.

19 11.15

20 A. Yes, sir, I agree.

21 Q. And that recounts the story of how the portfolio of the
22 civil service required the protocol to be followed and the
23 job to be advertised.

24 A. Correct, sir. That is quite right.

25 Q. And that was a formality that was gone through and
26 eventually Mrs Chestnut was appointed?

27 A. Yes, sir.

28 Q. During the course of that I think that Madam Justice
29 Levers assisted you in writing the submission to the
30 portfolio of the civil service.

31 A. Correct, sir, she was acting Chief Justice and I sought
32 her advice.

33 Q. Because the Chief Justice was absent at the time.

34 A. Correct, sir.

35 Q. You never heard her criticise the view of the Chief
36 Justice that Mrs Chesnut was a suitable candidate, did
37 you?

38 A. No, she did not, not to me, sir.

1 Q. And you have never heard her criticise it since, have you?
2 A. No, sir.
3 Q. She has never questioned the lady's competence for the job
4 or anything like that, has she?
5 A. Justice Levers?
6 Q. Yes.
7 A. No, not to me, sir.
8 Q. And apart from what you say in paragraphs 20 and 21 of
9 your statement, she never said anything critical or
10 damaging about Mrs Chesnut at all, has she?
11 A. Except once she saw me and if that is ...
12 Q. Apart from that?
13 A. Apart from that, no.
14 Q. Would you go back now to Mrs Curbelo-Bush? We are back
15 into divider 10 now. At paragraph 29 Mrs Curbelo-Bush - I
16 would just like you to read that to yourself, if you would
17 not mind. (Pause) Do you see that?
18 A. Yes.
19 Q. Do you agree that that is inconsistent with what you are
20 saying at paragraph 20 of your statement?
21 A. Yes, I do agree, it is inconsistent.
22 Q. Do you think that you may have misunderstood what Madam
23 Justice Levers was saying to you on the occasion of which
24 you say she mentioned the affair at paragraph 21?
25 A. No, sir.
26 Q. Did she not tell you that Mr Chesnut in an affidavit was
27 making certain allegations?
28 A. I do not recall, she may have, I do not recall anything
29 about an affidavit.
30 Q. And that she was saying how awful it was that he and
31 others were making these allegations. Do you remember her
32 saying that?
33 A. No, I cannot, not an affidavit. I do not even know Mr
34 Chesnut. I do not.
35 Q. The horse's mouth was a reference to Mr Chesnut. Do you
36 know that?
37 A. Pardon me.
38 Q. The horse's mouth was a reference to Mr Chesnut.

1 A. To Mr Chesnut?
2 Q. Yes.
3 A. I do not know, sir. I do not know Mr Chesnut.
4 Q. Did she not tell you that he was making certain
5 allegations?
6 A. I cannot remember.
7 Q. You cannot remember that?
8 A. No.
9 Q. Is it possible that she did?
10 A. It is possible that she did.
11 Q. Yes.
12 A. We talked about a lot of things, work-wise, we had a lot
13 of conversations.
14 Q. And is it possible that she was saying to you,
15 effectively, what she said at paragraph 29 of Mrs Curbelo-
16 Bush's ...
17 A. It is possible, sir.
18 Q. It is possible?
19 A. It is possible.
20 Q. And is it possible that she was saying to you that these
21 rumours are dreadful, they need to stop? Do you remember
22 her saying that? Is it possible she said that?
23 A. Yes, it is possible as well; it is possible, sir.
24 Q. You cannot be absolutely sure.
25 A. I tend to listen to Justice Levers, you know, when she is
26 talking I listen, I do not have too much to say and I
27 listen, but it is possible that she did say so. I am not
28 denying it. I am not saying that she did not and I am not
29 saying that she did. It is possible that she did.
30 Q. Did a time come when Madam Justice Levers discussed the
31 letters that were appearing in the press?
32 A. Yes, she did. In fact, when the letters came out in the
33 paper, Justice Levers would call me in the mornings and
34 would say, "Mrs Cacho, do you see what is in the paper
35 today?" I said to Justice Levers, "No, ma'am, I haven't
36 looked at the paper yet". And she would say to me, "You
37 should read it, it is not good. It is bad on the
38 judiciary".

1 Q. And was she visibly or plainly upset by the fact?
2 A. On the telephone, yes, she seemed to be upset that these
3 things were in the paper.
4 Q. She did not like the letters?
5 A. She did not like them.
6 Q. She thought it was bad for the judiciary that these
7 letters were appearing?
8 A. Yes, she did say that to me.
9 Q. She was a member of the judiciary herself, was she not?
10 A. Oh yes, yes, of course.
11 Q. And she did not like the criticism that was being made.
12 You did not get any impression that she was pleased that
13 the letters were appearing?
14 A. No, I did not get that impression at all.
15 MR BRODIE: Thank you very much.
16 THE CHAIRMAN: Thank you. Mr Otty.
17 MR OTTY: I have no further questions, thank you, sir.
18 THE CHAIRMAN: Thank you, madam, you are released by the
19 Tribunal.
20 **(Witness withdrew)**
21 MR OTTY: The next witness is Ms Curbelo-Bush.
22 **LILLIAN CURBELO-BUSH,**
23 **Examination in Chief by MR OTTY**
24 MR OTTY: Is it Ms Curbelo-Bush or Mrs Curbelo-Bush.
25 A. Ms.
26 Q. Ms Curbelo-Bush, you will find at tab 10 of bundle one
27 open in front of you a statement in your name. You will
28 also find another statement from you in bundle PL, tab 6
29 of that bundle, if you could just turn that up. It is a
30 one-page statement from you dated 10th December. Do you
31 have that?
32 A. Yes, sir.
33 Q. Do you adopt both of those statement as your evidence
34 before the Tribunal?
35 A. Yes, sir.
36 Q. I would like to ask you some questions about your first
37 witness statement, the one in bundle one, if I may.
38 Firstly, paragraph 18 of that statement, this is in the

1 section of the statement dealing with the question of the
2 expenses of Mr Justice Sanderson and access to files which
3 might contain information relating to those expenses. You
4 say in paragraph 18, "Elizabeth Webb works a lot of
5 overtime in our warehouse and with all files. She has
6 access to a tremendous amount of information. She would
7 have had access to the IRIS system when she was my
8 assistant. I am unsure whether she still has access to the
9 IRIS system or not". You have explained what the IRIS
10 system is earlier in your statement at paragraph 11. Do
11 you see that?

12 A. Yes.

13 Q. Now, we have had correspondence from Campbells indicating
14 that, in fact, Mrs Webb had no access to the IRIS computer
15 system in the period with which this question is
16 concerned, namely July 2007. You have no reason to dispute
17 that?

18 A. No, sir.

19 Q. Thank you. In paragraphs 22 to 26 you make a series of
20 comments on what is described for shorthand as "May to
21 July 2007 Webb allegations". As we see from the beginning
22 of paragraph 22, under that heading, you were asked to
23 comment on paragraph 23 of the Draft Statement of Issues
24 that was placed before the Tribunal. In summary, these
25 allegations were to the effect that in this period May to
26 July 2007 Madam Justice Levers was openly critical of
27 other members of the judiciary in her comments and that
28 she would disseminate adverse press coverage. You have
29 responded to that in paragraph 23 of your statement, where
30 you say, "As I mentioned before, Justice Levers is a very
31 critical person". And then you go on to give some examples
32 from your personal experience of Justice Levers' critical
33 nature. You indicate at paragraph 26, in terms, that you
34 are not aware of her ever disseminating critical press
35 coverage, so you deal with the second element of what we
36 have called the Webb allegations from May to July 2007.

37 A. Yes.

38 Q. But you have not commented in these paragraphs directly on

1 the suggestion that Madam Justice Levers was openly
2 critical of other members of the judiciary in the comments
3 she made. Do you recall Madam Justice Levers ever making
4 openly critical comments of other members of the
5 judiciary?
6 A. Not to me.
7 Q. And nor in your presence?
8 A. Most of the conversations that I have had with Justice
9 Levers have been in a conversational way. I have listened
10 to the Tribunal for a few days and some people refer to
11 their various conversations, some people refer to it as
12 gossip, I have spoken to Justice Levers on a number of
13 things throughout the years, but to say that I have come
14 to my personal assumption that she was openly critical
15 about anybody in such a negative way, I cannot agree.
16 Q. Do you recall ever hearing Madam Justice Levers make
17 criticisms of over members of the judiciary to you or in
18 your presence?
19 A. You would have to be specific.
20 Q. Well, we will take each of the judges in turn. Do you
21 recall Madam Justice Levers ever making adverse comments
22 about the Chief Justice?
23 A. No.
24 Q. Do you recall her ever making any adverse comments about
25 Justice Sanderson?
26 A. No.
27 Q. The same question in relation to Justice Henderson.
28 A. No.
29 Q. And Magistrate Ramsay-Hale?
30 A. Not in a derogatory manner.
31 Q. Not in a derogatory manner. What were the comments?
32 A. These ball-park questions - like I said we have had many
33 conversations. You are asking for my interpretation as to
34 whether they were derogatory, I still stand by no.
35 Q. I wonder if I can deal with it more specifically. Excuse
36 me for one moment. (Pause) I wonder if we can take it by
37 way of example, Mrs Curbelo-Bush, from the letter that is
38 one of the important issues before the Tribunal. I wonder

1 if you could go to page 226 of the core bundle.
2 A. I have the core bundle.
3 Q. If you could take that and turn to page 226. Have you
4 seen this letter before?
5 11.30
6 A. I probably have.
7 Q. Would you just like to take a moment to read it to
8 yourself.
9 A. Yes, please. **(After a pause)**
10 Q. Have you read the letter, Mrs Curbelo-Bush?
11 A. briefly, sir. Go ahead.
12 Q. The letter raises a number of issues and starts with a
13 citation from the speech of Lord Bingham, and then it goes
14 on to assert that the Governor needed a waking in
15 respect of matters of concern relating to the judiciary.
16 Do you ever recall having a conversation to that effect
17 with Madam Justice Levers?
18 A. No, sir.
19 Q. It also goes on to describe the local judiciary as a
20 laughing stock. Do you ever recall any conversation to
21 that effect with Madam Justice Levers?
22 A. Not really that she was saying it was a laughing stock.
23 Justice Levers sometimes felt a bit embarrassed by the
24 press and would mention that.
25 Q. What would she say to you? I am not asking you to recall
26 the specific words, but what would be the gist of what she
27 would say to you on these occasions?
28 A. That she felt bad about bad press.
29 Q. Any more detail than that?
30 A. Not that I can recall.
31 Q. The letter goes on to assert that the Chief Justice had
32 paid scant attention to the law in his appointment of the
33 legal analyst. Do you recall ever discussing the
34 appointment of the legal analyst with Madam Justice
35 Levers?
36 A. I made a statement on what Justice Levers and I what I can
37 recall discussed with the appointment of the legal
38 analyst.

1 Q. That is in your witness statement?
2 A. Yes, sir.
3 Q. 28 and 29.
4 A. Yes, sir.
5 Q. You remember someone bringing up a conversation about
6 certain matters and you refer to various rumours.
7 A. Correct.
8 Q. And you say this all occurred while you were in Madam
9 Justice Levers' chambers.
10 A. Yes, sir.
11 Q. Do you recall her ever suggesting in the course of that
12 conversation that the Chief Justice had paid scant
13 attention to the law?
14 A. No, sir. No mention of the law that I can ever recall in
15 a conversation with Justice Levers on the Chief Justice.
16 I am certainly not equipped to have very much of a
17 conversation in the legal aspect of things.
18 Q. It is also said in the Leticia Barton letter that we are
19 looking at, particular visiting judges were injudicious in
20 their conduct. Do you remember discussing with Madam
21 Justice Levers any visiting judges the fact or the
22 possibility that other visiting judges had been behaving
23 in an inappropriate manner?
24 A. Occasionally.
25 Q. You do recall discussing that? How many occasions do you
26 recall such discussions?
27 A. Maybe once or twice if something came up.
28 Q. Can you recall what Madam Justice Levers said in that
29 regard?
30 A. That she too had heard rumours of how some of the judges
31 behaved and quite frankly she did not approve of their
32 behaviour sometimes in public as it was rumoured, not as
33 it was a fact.
34 Q. Can you remember any specific occasion when such a
35 discussion took place?
36 A. Not particularly at this point, no.
37 Q. Are you able to recall who it was who brought the subject
38 up during these discussions?

1 A. No. When I was writing my statement I referred to
2 sometimes and looked back sometimes to when I visited
3 Justice Levers in her chambers quite often it was on
4 business in the courthouse, and sometimes I would stop and
5 chat a bit. Other people came in a lot of times, her
6 secretary. Usually I did not leave her until we concluded
7 our business, but there were times when I went into
8 Justice Levers' office and her secretary would follow us
9 in and usually initiate did you hear whatever it is.
10 Q. Usually initiate did you hear whatever it is?
11 A. Yes.
12 Q. That is the secretary who was initiating that
13 conversation?
14 A. Yes.
15 Q. Is that your recollection?
16 A. Yes.
17 Q. The Leticia Barton letter then goes on to make a number of
18 points by way of summary and criticism and they are in
19 relation to legal aid. Do you recall ever discussing the
20 inadequacy of legal aid with Madam Justice Levers?
21 A. What do you mean inadequacy?
22 Q. Well, the unavailability of legal aid for Caymanian people
23 because of moneys being spent on other matters?
24 A. No, not on that aspect.
25 Q. Do you recall her ever discussing with you or using a term
26 such as abuse of power on the part of any other members of
27 the judiciary?
28 A. No.
29 Q. Do you ever recall her discussing with you the bringing of
30 guns into the country by certain members of the judiciary?
31 A. Nothing outside of what was in the newspapers.
32 Q. Do you ever recall her suggesting to you that the Chief
33 Justice was somehow ignoring inappropriate behaviour on
34 the part of other judges?
35 A. No. Justice Levers has occasionally said I need to see
36 the Chief Justice on some matters but it was not in the
37 context of him not performing his job, not to my
38 assumption.

1 Q. Did she explain to you what those matters were?
2 A. Not in detail.
3 Q. In outline.
4 A. If something came up in the papers she would say I really
5 need to talk to the Chief Justice about this.
6 Q. And do you recall her saying that in the context of other
7 members of the judiciary?
8 A. In the context ...?
9 Q. Do you recall her saying or suggesting ---
10 A. That about other people in the judiciary?
11 Q. Yes.
12 A. Not outside the context of something that spurred it like
13 a newspaper article.
14 Q. Do you ever recall her criticising the extent of Canadian
15 influence in the Caymanian court system?
16 A. Not personally, not outside of I heard people saying this.
17 Again it was in conversation.
18 Q. So in conversation you recall her saying that she had
19 heard other people criticising the extent of Canadian
20 influence. is that what you are saying?
21 A. Yes.
22 Q. And did she express her own view on the extent of Canadian
23 influence to you?
24 A. No, not outside of this is what I heard, this is what is
25 written.
26 Q. Did she indicate that she intended to do anything about
27 it?
28 A. The only thing she has ever indicated doing anything about
29 was I think I need to talk to the Chief Justice about
30 this.
31 Q. Just one further matter if I may. Do you recall Madam
32 Justice Levers ever making inquiries about the Chief
33 Justice's expenses in relation to a trip to London?
34 A. The Chief Justice himself?
35 Q. Do you recall Madam Justice Levers ever making enquiry of
36 you or discussing with you the Chief Justice's expenses in
37 relation to a trip by him to London?
38 A. No, sir.

1 Q. It is in paragraph 19 of Mrs Hennie's statement, if you
2 would just like to look at that, tab 24 of bundle one,
3 which was the bundle with your principal witness statement
4 in.
5 A. Yes.
6 Q. It is paragraph 19.
7 A. Yes.
8 Q. We have Mrs Hennie describing how she would regularly go
9 into Madam Justice Levers chambers after she had been
10 talking to Esmie - that is Esmie Smith, I think - Nora
11 Ebanks and Lillian, which is you, I believe.
12 A. Yes.
13 Q. Then further down the passage, we have a sentence
14 beginning, "For example, once in or around May or June
15 2008 after a visit from Lillian, Justice Levers asked me
16 whether I knew how much money the Chief Justice received
17 for a trip he had taken to London and she mentioned an
18 excessive amount". Now, in the light of what Mrs Hennie
19 says, can you recall ever having a discussion with Madam
20 Justice Levers about the Chief Justice's expenses?
21 A. The only financial discussions I have had with Justice
22 Levers concerning any of our expenses has been while she
23 was acting Chief Justice and I seek the Chief Justice's
24 approval for the visiting judges and rather large bills
25 that is directly attached to the judiciary.
26 MR OTTY: Thank you very much, Ms Curbelo-Bush. I do not have
27 any further questions.
28 THE CHAIRMAN: Thank you. Mr Brodie.
29 **Cross-examination by MR BRODIE**
30 MR BRODIE: Ms Curbelo-Bush, there are one or two questions that
31 I want to ask that I should have asked other witnesses.
32 How many staff are there in the administrative department,
33 judicial administration?
34 A. In total?
35 Q. Yes. About 47, is it?
36 A. Maybe a little bit more than that.
37 Q. A little bit more than that, is it?
38 A. Yes.

1 Q. Thank you. Will you go to your statement in PL, please?
2 A. Yes.
3 Q. I just want to make sure that we understand your evidence.
4 It is in divider 6. Do you remember that statement, 10th
5 December? I think that I am right in saying, am I not,
6 that you had nothing yourself to do with the petition that
7 was sent to the Governor?
8 A. No, sir.
9 Q. Nothing at all?
10 A. No, sir.
11 Q. But did you know what the staff was complaining about?
12 A. Very vaguely.
13 Q. There was, was there not, considerable discontent among
14 the staff at that time?
15 A. Yes, sir.
16 Q. About their conditions of service?
17 A. There were various complaints from various people.
18 Q. And about certain appointments that had been made and that
19 kind of thing?
20 A. I do not know about the appointments part.
21 Q. Well, I do not need to go into that. Go to paragraph 3 of
22 your statement, where you refer to the "note to file"
23 which one finds over the page. Do you see that?
24 A. Yes.
25 Q. At paragraph 3, the Chief Justice, because it is his note,
26 says, "Levers J seen to be harbouring members of staff for
27 hours in her chambers (Esmie Smith; Winston Bodden; Nora
28 Ebanks and at times the judicial accounts officer, Lillian
29 Curbelo-Bush) and information which has emerged in the
30 petition or in support of it could only have come from the
31 accounts department; although no member of that department
32 has signed the petition".
33 A. OK.
34 11.45
35 Q. First of all, did you spend hours in the chambers of Madam
36 Justice Levers?
37 A. Not hours, sir.
38 Q. Does this allegation make any sense to you at all?

1 A. No, sir. I would certainly like to have further clarity
2 on that allegation.

3 Q. And you did not supply any information from your accounts
4 department in support of the petition?

5 A. No, sir. One of the petitioners told me when they got
6 their response, she asked me to look at it, and I told her
7 that I had not seen even the original petition. She
8 laughed and she said, "no, everybody was warned to keep
9 the petition away from you because you are sympathetic to
10 management".

11 Q. Thank you. Then going back to paragraph 4 of your
12 statement, going back to the note, the learned Chief
13 Justice says this, "I also advised Levers J against the
14 habit she had reportedly gotten into of inviting members
15 of Registry staff, Smith, Lillian Bush, in particular, to
16 spend very long periods with her in chambers discussing
17 matters of the administration and I have no doubt to do
18 also with me as Chief Justice". Is there any truth in
19 that at all?

20 A. No, sir, that is a rather large assumption.

21 Q. Did you ever spend hours, long periods in chambers with
22 Madam Justice Levers discussing the Chief Justice?

23 A. We have never ever discussed the Chief Justice.

24 Q. One final question, do you know what the Marl Road is?

25 A. Yes, sir.

26 Q. Can you explain to the Tribunal what the Marl Road is?

27 A. That is subject to interpretation, but it is our own
28 gossip channel, what it is locally called.

29 SIR DAVID SIMMONS: A grapevine?

30 A. A grapevine, sir, yes.

31 MR BRODIE: And is there a website called the Marl Road?

32 A. I do not know.

33 Q. You do not know about that. Anyway, it is the Caymanian
34 expression for the grapevine, is it?

35 A. Yes, sir, entirely.

36 Q. And is it a fairly active grapevine in Cayman?

37 A. I think that everybody just about probably has one of
38 those.

1 Q. Sorry.

2 A. I think that everybody has one of those.

3 Q. I have heard it said that in this jurisdiction that, if
4 you have not heard a rumour by ten o'clock in the morning,
5 you have to invent one, is that right?

6 A. That one is news to me.

7 MR BRODIE: It is news to you. That concludes my cross-
8 examination.

9 THE CHAIRMAN: Thank you.

10 MR OTTY: I have no further questions, sir.

11 THE CHAIRMAN: Is there nothing else that you want to ask, Mr
12 Otty?

13 MR OTTY: No, I am sorry, sir, I should have made that clear.

14 THE CHAIRMAN: Thank you, madam.

15 **(Witness withdrew)**

16 MR OTTY: Sir, Ms Thompson was to be the next witness. She is
17 not here, but Magistrate Ramsay-Hale is here, sir, so, if
18 you would be content to take her first.

19 THE CHAIRMAN: Yes, certainly, if she is ready, we are ready.

20 MR BRODIE: I am glad to say we are ready.

21 THE CHAIRMAN: You are?

22 MR BRODIE: Yes.

23 THE CHAIRMAN: Well, it makes a change, Mr Brodie!

24 MR BRODIE: It does indeed, my lord, yes. It is very difficult
25 to break the habit of a lifetime.

26 **MAGISTRATE MARGARET RAMSAY-HALE, sworn**

27 **Examination in Chief by MR OTTY**

28 MR OTTY: Mrs Ramsay-Hale, I apologise for taking you out of
29 order. I have only one or two additional questions for you
30 over and above those in your witness statement. You will
31 find your statement at tab 38 in the bundle in front of
32 you. Do you have that?

33 A. Yes, thank you.

34 Q. And do you adopt this as your evidence before this
35 Tribunal?

36 A. Yes.

37 Q. Now, I would just like to ask you first, if I may, about
38 paragraph 8 of your statement.

1 A. Yes.

2 Q. You say, "As soon as Justice Levers arrived as a Grand
3 Court judge in Cayman in around 2002 or 2003, I was aware
4 that she would often discuss people behind their backs.
5 She would visit me in my chambers to gossip about other
6 people, including her fellow judges."

7 Now, are you able to assist the Tribunal as to the
8 period over which you say Madam Justice Levers would come
9 to see you and would discuss other judges in this manner -
10 the period of time?

11 A. No, I cannot. Throughout her tenure she would drop in and
12 later on she would telephone from her office at Kirk
13 House.

14 Q. And that has been the position throughout her tenure, is
15 that your evidence?

16 A. Yes. I do not say it is daily, but we would speak.

17 Q. You would speak?

18 A. Yes.

19 Q. Approximately how frequently would it be in your
20 estimation?

21 A. Whenever she would come over for a Grand Court trial, if
22 she was out of the court for a few minutes in the morning
23 she would stop in, if she was on her break, she might come
24 in, it was not anything untoward. I have known Justice
25 Levers for years. She knew my father well.

26 Q. You say that she would gossip about other people,
27 including her fellow judges. Did her remarks include
28 reference to the Chief Justice?

29 A. Not in early years, no.

30 Q. When did they begin to refer to the Chief Justice?

31 A. I think in my statement I put it somewhere in the middle
32 of 2008.

33 Q. Well, you put it in paragraph 14 of your witness
34 statement, you dealt with one matter, if we can go to
35 that.

36 A. Yes.

37 Q. This is your witness statement which is dated 20th
38 November last year.

1 A. Yes.

2 Q. You say, "Around the middle of the last year, Justice
3 Levers ranted to me about the Chief Justice at great
4 length".

5 A. Yes, she was very upset.

6 Q. "I believe that this was around the time the Chief Justice
7 sent Justice Levers a letter in regard to a number of
8 complaints that had been received about her conduct".

9 A. That is me constructing it from later conversations with
10 the Chief, going back in time to see what might have
11 occasioned her - I do not know what to call it -
12 displeasure? She was very upset. She was threatening to
13 resign.

14 Q. You refer to the threat to resign or the consideration of
15 resigning later in that paragraph. But just so far as the
16 date is concerned, you have referred to "around the middle
17 of last year" here, so you are referring to the middle of
18 2007.

19 A. 2007, yes, you are right. You will be correct, because
20 this was written in 2008.

21 Q. Going back to paragraph 8 for the moment, I had asked you
22 whether the comments referred to the Chief Justice ...

23 A. Not at that time.

24 Q. And you indicated not at that time and, as I understand it
25 now, you say it was around the middle of 2007 that that
26 began in relation to the Chief Justice. What about other
27 judges in the jurisdiction, in particular Mr Justice
28 Sanderson and Mr Justice Henderson, were any adverse
29 comments made about either of those gentlemen in that
30 earlier period?

31 A. Yes, but fleeting glancing references, nothing that I
32 took note of, but to say that they were pejorative.

33 Q. To say that they were pejorative?

34 A. Yes, in flavour. I would be hard pressed to recall the
35 specifics, but she was not complimentary.

36 Q. Are you able to give the Tribunal any examples at all?

37 A. No. It was more in terms of not what they did but in
38 terms of her personal feelings towards them. I only

1 really remember matters closer to the date when I gave
2 this statement.

3 Q. Yes.

4 A. And I adumbrated the specific incidents and specific
5 comments that I could recall. Paragraph 8 refers to a
6 sense, it was what was being sensed, it was an approach,
7 it was an attitude, it was comments that were made, to my
8 mind throwaway comments, certainly nothing I wish to
9 recall or repeat or retain. If I may say, she even
10 discussed her personal family situation with me,
11 complimentary always about her children; not always so
12 complimentary about her spouse. But it was not unusual for
13 her to come and speak with me and she did express certain
14 dislike - certain reservations about her colleagues on the
15 bench.

16 Q. Thank you. Now, in paragraph 13 of your statement you
17 address a particular matter which I do not want to go
18 through in detail, but if you could turn to paragraph 13.
19 You describe a conversation with Ms Hennie in which she
20 herself had described various allegations relating to
21 yourself and the Chief Justice. You say, "In 2008,
22 shortly after Lorraine Hennie returned to work as
23 secretary, she came to me very upset", and then you go on
24 to detail it. "She complained Justice Levers was
25 repeatedly engaging her in conversations about persons who
26 work at the court, myself, the Chief Justice amongst
27 others." You then go on to give further details in that
28 regard. Now, we know that Ms Hennie returned to work in
29 the court system in April 2008. Shortly after that, was
30 it, that this conversation occurred?

31 A. To my recollection, it was shortly after that. It could
32 not have been before, because Cathy Chesnut was also
33 mentioned at the same time and I think that Lorraine's
34 second appointment was after Catherine's, so I am timing
35 it from that. We were both, Catherine and I, include in
36 the same assertion.

37 Q. Yes, I see. Now, as we see from paragraph 13, Ms Hennie
38 was saying that Madam Justice Levers had made certain

1 allegations about you. Did she tell you when Madam Justice
2 Levers had made these allegations?

3 A. No. She could have said yesterday or the other day, but
4 she was upset. She thought the assertions were baseless,
5 but more I think that she was upset that the judge felt
6 confident enough to speak of the Chief, myself and
7 Catherine in that way to her.

8 Q. I see. Because yesterday in her evidence, Mrs Hennie
9 appeared to say that the conversation between herself and
10 Madam Justice Levers in relation to this matter, in so far
11 as it concerns you, had occurred, in fact, quite a
12 significant time earlier, some time in 2004.

13 A. It may have done. There may have been another
14 conversation, which I do not recall. I tend not to want
15 to hear things. I also tend to forget things that I do not
16 like that I have heard when they refer to me.

17 Q. I see.

18 A. The thing about this is that, as time went on, it became
19 quite acute. I found this letter assertion - and I know it
20 occurred in 2008, because Catherine's name was also called
21 and Catherine did not come, Lorraine was not there when
22 Catherine was appointed, and this latter assertion was
23 very cutting to me, it came at the end of many other - I
24 cannot even say assertions, because I heard so little of
25 it, but this was for me the end. It is a very easy thing
26 to allege against a professional woman and as a
27 professional woman it is a very cutting and painful thing
28 to have it alleged against you or suggested that you might
29 have achieved your position in this way. I feel the hurt
30 of it very acutely even now and I recall it as being last
31 year. If it was said earlier, I do not mean to contradict
32 Lorraine, but I just do not recall. If it was said
33 earlier, it did not have the same impact. That is because
34 of the time at which that earlier assertion was made. But
35 then in 2008 there was so much else going on and so much
36 else being suggested and said that it took on a particular
37 poignance, a particular significance, if I may say.

38 12.00

1 Q. I see, thank you. I was asking you a little earlier about
2 paragraph 14, we moved ahead to that. Where did the
3 conversation you describe in that paragraph take place?
4 A. On the phone. She called me, she was upset.
5 Q. She was upset?
6 A. Yes, she was upset, she was upset with him. I do not know
7 what he did not do that she thought he ought to do or how
8 she thought he ought to be doing it, but she was very
9 clear that he was spineless, ineffective and not doing the
10 right thing and she felt that she would be obliged to
11 resign. She said she could not work with somebody like
12 that.
13 Q. You said in your statement you believe this was around the
14 time that Chief Justice sent Justice Levers a letter and
15 you said that was with the benefit of information ---
16 A. That was after I made my note of my complaint to my Chief
17 Justice to indicate to him I felt the conditions of my
18 work were intolerable. He then mentioned that he had had
19 some confrontation with her and I am not really clear, but
20 there had been some discussion about some matter, he had
21 sent her a memorandum, and she had been upset, so I
22 basically assuming that it must have been around that
23 time, it turns out that when I remember the conversation
24 and reflecting upon what he said was applying around that
25 time. It was about the middle of 2007, yes.
26 Q. Thank you very much.
27 A. But I am assisted in that recollection as I said by the
28 conversation I was having with the Chief at the time, it
29 was an independent recollection.
30 Q. Thank, Mrs Ramsay-Hale, I do not have any further
31 questions.
32 A. Thank you, sir.
33 THE CHAIRMAN: Mr Brodie.
34 **CROSS-EXAMINED BY MR BRODIE**
35 MR BRODIE: Would you go to divider 10 of the witness
36 statements. Mrs Ramsay-Hale, you are a chief magistrate
37 here, are you not?
38 A. Yes, sir.

1 Q. And enough damage has already been done in this
2 jurisdiction so I shall attempt so far as is possible to
3 tailor my questions so as to minimise any possible damage
4 to you. Do you understand that?
5 A. Thank you, I appreciate that, sir.
6 Q. If you would go to divider 10 you will find a statement by
7 Mrs Curbelo-Bush. Would you go to paragraph 33 and just
8 read it, please.
9 A. Yes, thank you, I have read it.
10 Q. Do you have any comments to make about it?
11 A. I would love to know what book.
12 Q. I am sorry?
13 A. It makes reference to a book.
14 Q. Where it begins ---
15 A. I am just curious, I do not remember giving the judges a
16 book, but I am glad that I did; and the rumour, that is
17 not correct.
18 Q. Did you have a certain problem as is demonstrated here?
19 A. No.
20 Q. You see the sentence beginning "It is common knowledge".
21 A. Yes.
22 Q. And you see the word inappropriate.
23 A. Yes.
24 Q. That related to the preceding two lines, straighten out
25 and then the words that follow.
26 A. I realise that you are trying to protect me but we are
27 dancing on the subject. If the question here is about my
28 - and I think it must be - inappropriate behaviour in
29 public, that I used to drink and play dominos in public.
30 Q. I will come back to that.
31 A. I am trying to answer you, but we are being handcuffed by
32 the way the question is put and the way that the paragraph
33 is drawn.
34 Q. May I ask you this; you accept that there was a rumour
35 circulating ---
36 A. That I was sick and had to straighten myself out, no, sir,
37 I do not accept it.
38 Q. Do you accept there was a rumour about drinking habits?

1 A. There was no rumour. I just said, it is true that I used
2 to have a drink and play dominos in public, yes.

3 Q. And you have stopped doing that now?

4 A. I have done.

5 Q. Can I now go back to your statement, if I may.

6 A. Yes.

7 Q. Your family and Madam Justice Levers' family have had
8 close connections for many years, have they not?

9 A. My father and Mrs Levers certainly did. And by extension
10 my mother because my mother worked in my father's
11 chambers.

12 Q. And your father was a Queen's Counsel in Jamaica, was he
13 not?

14 A. Right.

15 Q. And I think Madam Justice Levers' father became a judge in
16 Bermuda?

17 A. Indeed.

18 Q. And the families are on visiting terms.

19 A. Yes.

20 Q. And I just ask you this; going to paragraph 7 of your
21 statement you accept I understand that your evidence is
22 substantially based on hearsay evidence.

23 A. Absolutely.

24 Q. "Most of what I have to say is based on hearsay and I
25 cannot precisely pinpoint when those unkind comments about
26 me were made or exactly what was said. I do, however,
27 think that my complaint is a very serious one. " Then
28 what you are really complaining about is hearsay things
29 that have been said to you.

30 A. Quite right.

31 Q. And then going to paragraph 9 you say this: "Also when I
32 have asked people to say exactly what she has said they
33 have either refused or said they cannot remember,
34 presumably because the words were so unkind that they did
35 not wish to repeat them. Asked to confirm in writing what
36 they have repeated to me they have refused to do so as
37 they have not wished to become involved." What kind of
38 evidence is that, Mrs Ramsay-Hale?

1 A. I was just asked. It is not legal evidence if you are in
2 a court of law but that is exactly what happened. For
3 instance Howard said that he was at pains not to bring me
4 up with Mrs Levers because she would say such unkind
5 things about me. Pressed by me he would not tell me what
6 she said. At a dinner one night -- no, if you have asked
7 I would like to answer -- Mr Henderson commented one night
8 that she does not like me or has nothing good to say about
9 me. He would not elaborate and I would not press him and
10 he did not offer. I was told that the judge made certain
11 comments on the Bench and it was reported to me by a Crown
12 counsel. I asked defence counsel several years later if
13 his recollection of the matter was in accordance with what
14 Crown counsel told me and he simply could not remember.
15 Maybe he could remember and he did not want to say, but I
16 am certainly standing, sir, in making my complaint having
17 a greater force because I would be hard pressed to say she
18 ever said anything to me which was unkind, to me.

19 Q. I would like to come to that. Do you remember in October
20 2007 Madam Justice Levers discussing with you the
21 possibility of setting up a family court in Jamaica; do
22 you remember that?

23 A. Yes, and at the time she said she wished to recommend me.

24 Q. And that was because she was discussing I think with the
25 Chief Justice of Jamaica the possibility of setting up a
26 family court there.

27 A. She said, yes.

28 Q. Did she not ask you whether you would like to head the
29 family court?

30 A. Yes.

31 Q. And I think you said Yes, you would be interested to do
32 that.

33 A. Absolutely.

34 Q. As long as it was a Supreme Court appointment.

35 A. Actually it was she who said that; she would never
36 recommend me for anything else.

37 Q. I am sorry?

38 A. It was she who said she would not recommend me for any

1 other post but one in the Supreme Court and that I would
2 have a supervisor remit for the magistracy involved in the
3 family court.

4 Q. Did you know that she was in fact in correspondence with
5 the Chief Justice of Jamaica?

6 A. I did not doubt her. I did not ask, I did not make
7 enquired, I did not doubt her. She said so.

8 Q. You did not doubt her?

9 A. No, she said so and I accepted it.

10 Q. That was quite a kind thing to propose, was it not?

11 A. Yes.

12 Q. And it showed that she had a considerable good estimation
13 of your abilities.

14 A. Thank you.

15 Q. Do you agree with that?

16 A. I do not know. What I will say ---

17 Q. What do you not know, Mrs Ramsay-Hale?

18 A. I do not know. I can answer you in another way if you
19 like. Which is that Mrs Levers can be extremely charming
20 and she will co-opt you and make you her friend. And if
21 she feels that you are against her she will just as easily
22 turn against you.

23 Q. Mrs Ramsay-Hale, you are not suggesting ---

24 A. I do not know why she would propose me for the Supreme
25 Court in Jamaica, having trashed me apparently in every
26 corner of the courthouse. I do not know why, Mr Brodie,
27 and I cannot say that she did it, except to tell you what
28 was reported to me, that she was engaging in malicious
29 gossip about me and why she would then suggest me to the
30 post is something only she could tell you.

31 Q. What she was proposing to you was inconsistent with the
32 reports that you were getting, was it not?

33 A. It was inconsistent with her persona or personality as I
34 perceived it and I perceive it even today.

35 Q. Here she was, effectively offering to recommend you for a
36 Supreme Court post in Jamaica, heading up the family
37 court, and if she was doing that she could not have had a
38 bad opinion of you, could she?

1 A. I think she had an opinion of me which suited her at
2 whatever time it suited her.

3 Q. I am sorry?

4 A. She chose her opinions of me when it suited her, so when
5 she wished to express her bad mind in the context of court
6 office gossip she did. When she wished to speak to me to
7 my face and offer me a prize she did. I do not know her
8 motive, Mr Brodie, but I do accept that she did both.

9 Q. You had I think been complaining, had not you, that you
10 were not being sufficiently advanced in this jurisdiction.

11 A. I had made that observation, yes.

12 Q. I am sorry?

13 A. I had made that observation.

14 Q. And you think you should have been on the Grand Court
15 Bench, do not you?

16 A. I think I should be given an opportunity, yes. I acted in
17 2006 in fact.

18 Q. As far as I can see your evidence, you are not prepared
19 even to give credit to Madam Justice Levers in respect of
20 a kind gesture she made to you?

21 A. I am quite sure, Mr Brodie, I said she can be an
22 exceptionally charming woman.

23 Q. I am not asking you about her charm ---

24 A. That is precisely what I viewed the offer as, an exercise
25 of charm, the reason for which I do not know.

26 Q. You mean to say you did not think it was a genuine offer
27 then, did you?

28 A. No, quite genuine but I do not know why, because I am
29 quite aware that she had made disparaging comments of me
30 in a personal and professional context.

31 Q. The disparaging comments were only limited if you would
32 call them that to your habit of playing dominoes and
33 drinking in public places. That is right, is it not?

34 A. That is what you say. I do not know. It would appear
35 that her disparaging comments were also made in the course
36 of her appeals, in appeals against me.

37 Q. Would you like to look at bundle 2, page 627. That is a
38 letter from Mr Howard Hamilton dated July 17 2008. Do you

1 see that?

2 A. Yes.

3 Q. You have got no reason to doubt the veracity of Mr Howard
4 Hamilton, Q.C., have you?

5 A. I should not have, he was my leader.

6 Q. "As I indicated in my response to the request of the
7 Honourable Chief Justice the specific and only criticism
8 levelled by Mrs Justice Levers at Her Honour Mrs Ramsay-
9 Hale was her habit of playing dominoes and having drinks
10 at the Sunset Hotel, a criticism which Mrs Justice Levers
11 authorised me to bring to Mrs Ramsay-Hale's attention. I
12 not only did so but advised Mrs Ramsay-Hale that she ought
13 to discontinue the practice".

14 A. Oh my gosh!

15 Q. Do you disagree with that statement?

16 A. I say very clearly in my affidavit that he refused to tell
17 me what the conversations were about even when pressed.
18 He said here that he brought it to my attention, but he
19 did not. I remember one day in my office and he said to
20 me, "What have you done to that lady?" I asked her to
21 tell me what she had said. He said, "No, not here,
22 because the walls can talk". We were then in my chambers
23 in the courthouse. He was uncomfortable discussing what
24 she had said to him in the context of my chambers. Quite
25 frankly, yes, I am surprised by this, that he did not say
26 to me before. I was never shown the letter that he wrote
27 to the Chief.

28 Q. And then he goes on, "I further stated in my response that
29 to my certain knowledge Mrs Ramsay-Hale not only
30 discontinued to practice but has ceased having drinks
31 altogether". Is that true?

32 A. It was for a time. I am a social smoker. In order to stop
33 smoking, I had to stop drinking. It is no longer true. I
34 still enjoy a glass of wine with a meal, Mr Brodie.

35 Q. The reason for Madam Justice Levers bringing that to your
36 attention was not an evil reason, but a good one, was it
37 not?

38 A. She did not bring it to my attention and neither did he

1 and had either of them done it in that fashion I would
2 have taken it as it was meant, but he did not repeat it to
3 me, despite what he says here, and I am awfully
4 embarrassed to contradict my senior, who was not only my
5 father's junior but my leader, but that conversation did
6 not ...

7 Q. I am not sure what your evidence is. Are you saying that
8 Mr Hamilton ...

9 A. What he says here that he gave me a message from Mr
10 Levers, essentially ...

11 Q. Is that untrue?

12 A. It is untrue. He never told me that. He refused to tell me
13 what she said.

14 Q. So what Mr Hamilton QC is saying in that letter is untrue,
15 is it?

16 A. Yes, that is what I am saying - and I say it with regret.
17 Our recollection is completely different.

18 Q. And you stick by, do you, paragraph 10 of your statement,
19 do you?

20 A. Yes.

21 Q. That he ...

22 A. The comment that he made that she does not "like a bone in
23 your body" is hardly consistent with somebody saying,
24 "Justice Levers thinks you should stop playing dominoes".
25 That is what I recall and I recall pressing him on several
26 occasions.

27 Q. But he would not tell you?

28 A. He refused.

29 Q. So you pressed him to say what the matters were and he
30 would not tell you?

31 A. No.

32 Q. And his letter is untruthful?

33 A. Yes. The assertion that he delivered any message to me
34 from Mrs Levers, that assertion is. I say it is. It does
35 not accord with my recollection.

36 Q. And going to paragraph 13 you refer there to the
37 grapevine.

38 A. I do.

1 Q. So everything ...
2 A. I am the only person who did not refer to the Marl Road.
3 Q. I am sorry.
4 A. I must be the only person who did not refer to the Marl
5 Road, but to the grapevine, yes.
6 Q. That is what you mean by grapevine, the Marl Road.
7 A. The grapevine, yes.
8 Q. Of course, you are not adverse to a rumour yourself a bit,
9 are you?
10 A. Because I hear them, I am repeating them.
11 Q. But not only hearing them, but you are quite good at
12 creating them too, are you not?
13 A. I do not know about that.
14 Q. Does the name Mrs Amanda Santez mean anything to you?
15 A. Amanda, yes.
16 Q. She used to live across from Madam Justice Levers, did she
17 not?
18 A. She lived in West Shore, I am not sure if she lived in the
19 proximity of Mrs Levers.
20 Q. And in about 2004, you rang up Madam Justice Levers one
21 morning, did you not, about a motor car that had been
22 parked for two days outside her house. Do you remember
23 that?
24 A. Outside her house?
25 Q. Yes.
26 A. No.
27 Q. You do not recollect telephoning Madam Justice Levers and
28 saying, "We know about your dinner party and your
29 nocturnal visitor".
30 A. Me?
31 Q. Yes, you.
32 A. No. No, I have never called her at home. I certainly
33 never called her about a car parked outside her house.
34 Q. And that arose because her doctor's SUV was parked outside
35 her house because it had broken down.
36 A. Mr Brodie, I know nothing about that. You have accused me
37 of being a mischief maker. I might have said it to someone
38 else, but I certainly do not remember calling the judge at

1 all to ask her anything about any SUV.

2 Q. It took two days for the disabled vehicle to be removed,
3 did you know that?

4 A. I would have no interest in it. If she had nocturnal
5 visitors, I certainly would not comment about it.

6 Q. And the neighbour reported that to you and you then drew
7 some adverse conclusion from that.

8 A. You mean Amanda?

9 Q. Yes.

10 A. If I may say this about Mrs Amanda Santez, I do not know
11 her terribly well, but I do not know her to engage anybody
12 in conversations about third parties which re
13 unflattering. She is a very nice woman. She is not given
14 to idle gossip.

15 Q. And you were ribbing Madam Justice Levers about the
16 possibility of her having a nocturnal visitor, were you
17 not?

18 A. I do not recall it.

19 Q. And you were given a fairly short response to that, were
20 you not? Do you remember that?

21 A. No, I do not recall that. I do not remember any of that.
22 None of that is true. None of that is true.

23 MR BRODIE: I do not have any more questions for you, Mrs
24 Ramsay-Hale.

25 THE CHAIRMAN: Thank you. Mr Otty.

26 MR OTTY: There is just one matter.

27 **Re-examination by MR OTTY**

28 MR OTTY: Mr Brodie showed you one letter from Mr Hamilton QC.
29 There is another letter in the bundle, which I think is
30 the one you are referring to in your witness statement.
31 That is at tab 23 of bundle 1, which is the same bundle
32 that your witness statement is, if you go to tab 23 in
33 that bundle. Have you seen this letter before?

34 A. I did not see the letter. The Chief Justice I think he
35 showed it to me. I think I did, I saw some of it. He said
36 to read the first couple of paragraphs and then he took it
37 back.

38 Q. Would you like just to read it to yourself now?

1 A. Yes. (Pause) Yes. There is absolutely no reference
2 here to any message that he passed along to me.

3 Q. There are two matters. First of all, we see in the second
4 paragraph the question of dominoes and so forth is
5 addressed.

6 A. Yes.

7 Q. In the third paragraph we also see the sentence
8 beginning, "Justice Levers did not share my enthusiasm"
9 and so forth.

10 A. Yes.

11 Q. Dealing with another matter quite unrelated to dominoes.
12 Then we see from the final paragraph of the letter that Mr
13 Hamilton apparently felt driven to a position where he
14 would cease to even mention your name in front of Madam
15 Justice Levers.

16 A. Yes.

17 Q. As I understand your evidence, that accords with the
18 impression that Mr Hamilton gave you?

19 A. Yes. If I may just say, Mr Otty, if you note that he says
20 here quite clearly that Justice Levers did not share his
21 enthusiasm for my legal acumen. This goes back to the
22 point made earlier by Mr Brodie. Why would she recommend
23 me if she had such disparaging things to say about me? I
24 do not know. She did say she would, but even in this
25 letter by Howard Hamilton you can see that he says
26 plainly, his impression was that she did not share his
27 view of my ability. So, no, I do not find it inconsistent
28 that she should make me that offer and yet be gossiping
29 about me in the corridors of the court.

30 MR OTTY: Thank you very much, Mrs Ramsay-Hale. I do not have
31 any further questions for you.

32 THE CHAIRMAN: Thank you, madam. You are released by the
33 Tribunal.

34 **(Witness withdrew)**

35 MR OTTY: Sir, the next witness is Mrs Thompson.

36 THE CHAIRMAN: We will start her at half-past-one, please.

37 MR OTTY: I am grateful, sir.

38 **(Adjourned for a Short Time)**

1 THE CHAIRMAN: Yes, Mr Otty.

2 MR OTTY: Sir, the next witness is Mrs Thompson.

3 **KARIN THOMPSON, sworn**

4 **Examination in Chief by MR OTTY**

5 MR OTTY: Mrs Thompson, you will find a bundle open t tab 42,
6 bundle 1 of tab 42, which is your first witness statement
7 before the Tribunal. There is another witness statement
8 from you in the bundle PL. That is at tab 17. Do you see
9 that?

10 A. Yes, I do.

11 Q. Do you adopt both of those statement as your evidence
12 before the Tribunal?

13 A. I do.

14 Q. Thank you, Mrs Thompson. Mrs Thompson, do you consider
15 that you have had and have a good relationship with Madam
16 Justice Levers?

17 A. I most certainly have.

18 Q. And would you on occasion visit her in her chambers or
19 remain in her chambers after a hearing in which you had
20 been appearing?

21 A. There were occasions when I would remain in her chambers,
22 perhaps one or two occasions that I can recall, for a very
23 limited period following the conclusion of any given
24 matter that I may have appeared before her in that
25 particular instance. I can think of two occasions.

26 Q. Aside from occasions related to a hearing before Madam
27 Justice Levers, did you go and visit her in her chambers?

28 A. Certainly not.

29 Q. During the occasions upon which you do recall remaining in
30 her chambers after the conclusion of a hearing in which
31 you appeared, did you ever engage is it not any discussion
32 with Madam Justice Levers about the judiciary?

33 A. Most certainly not.

34 Q. So you had no discussions at all about the Chief Justice?

35 A. None.

36 Q. Or any of the other judges in the jurisdiction?

37 A. None that I can recall.

38 Q. Other than in her chambers, have you ever had any

1 discussions about either of the Canadian judges who sit in
2 this jurisdiction?

3 A. Certainly not.

4 Q. Can I just show you one passage in the witness statement
5 of Mrs Hennie, which is at tab 24 of bundle one, which is
6 the bundle with your first witness statement in.

7 A. Tab 24?

8 Q. Yes, paragraph 20.

9 A. Yes.

10 Q. In paragraph 17, first of all, in that statement, Mrs
11 Hennie identified you and a number of other attorneys and
12 characterises you as favoured attorneys or Madam Justice
13 Levers' favourite attorneys. Then at paragraph 20 we have
14 a statement of one example of the conversation about the
15 Chief Justice between Justice Levers and her favoured
16 attorneys. It says "Justice Levers called me into her
17 chambers while the attorneys were present and told me she
18 was unable to contact the listing office and, if she were
19 Chief Justice, things would be done different". Do you
20 ever recall in your present Madam Justice Levers making a
21 comment to the effect that, if she were Chief Justice,
22 things would operate differently in this jurisdiction?

23 A. Absolutely not.

24 Q. Now, you are aware, I think, Mrs Thompson, that there is
25 an allegation before the Tribunal that you were at one
26 point sent a document purporting to set out the expenses
27 of Mr Justice Sanderson. You will find an email, which is
28 said to be an email indicating the communication, in the
29 core bundle. The page number that I would like you to go
30 to is page 419. Do you have that?

31 A. Yes, sir.

32 Q. Do you see on page 419 in the lower third of the page we
33 have what purports to be an email from Elizabeth Webb
34 dated Friday, July 13th, 2007, to Karin at
35 ThompsonShipping.com. Is that your email address?

36 A. That is my email address. Karin spelt with an "I".

37 Q. With an "I", yes.

38 MR BRODIE: I think the genuineness of this document ought to be

1 made plain. The question of its genuineness ought to be
2 made plain to the witness. I hope that it is not going to
3 be put to her on the basis that it is an email that was
4 sent. I know my learned friend has said "purported", but
5 I do want to make it made clear that ...

6 MR OTTY: Certainly, sir. I intended to say what is said to be
7 an email sent by Mrs Webb.

8 A. That is what I understood you to say.

9 Q. I appreciate that, thank you. Now, you are aware that
10 Mrs Webb has said that she recalls sending this email to
11 you and you may also be aware that she recalls you sending
12 her an acknowledgement of receipt. Now, do you have any
13 reason to suggest that Mrs Webb might be hostile to you
14 personally?

15 A. Quite frankly, no.

16 Q. Do you know Mrs Webb?

17 A. Yes, I have dealt with Mrs Webb throughout the years in
18 her capacity as a secretary at the court office.

19 Q. You have no reason to explain why if she would make up an
20 allegation involving another attorney in this jurisdiction
21 she would choose you?

22 A. I can think of no reason at all.

23 Q. At page 240 we see the document which is said to have been
24 attached to the email Mrs Webb says she sent, and I think
25 your evidence has been clearly set out in your witness
26 statement that you deny ever receding this email?

27 A. I have never received this email. I can think of no
28 reason why I would have received an email of this nature
29 from Mrs Webb or for that matter anyone else.

30 Q. I think it is probably implicit in the answers you have
31 already given, but just to be clear, have you ever
32 discussed Mr Justice Sanderson's expenses with Madam
33 Justice Levers at all?

34 A. No, sir, I have no reason, no reason, personal,
35 professional or otherwise in matters of this nature. In
36 fact I would add, and I have stated this, that the first
37 time I had sight of this document i.e. the document which
38 purports to be a list of expenses, was when I received it

1 from the Tribunal's counsel.

2 Q. And when you were asked --

3 A. Back in November when I was asked to prepare a statement.

4 Q. In the same bundle at page 230 we have extracts from a

5 notebook of Madam Justice Levers, in the same core bundle.

6 A. 330?

7 Q. I am sorry, 230.

8 A. Yes, sir.

9 Q. And we have at the top of the page your email address set

10 out there. Do you see that?

11 A. Yes, I do, sir.

12 Q. And we have a fax number, is that your fax number?

13 A. That is the fax number of my office.

14 Q. That is the fax number of your office.

15 A. Yes.

16 Q. Are you able to assist on the identity of the handwriting

17 which is written, the email address and the fax number?

18 A. The handwriting looks similar to the writing that follows.

19 MR BRODIE: My Lord, there is no issue about this, it is

20 Madam Justice Levers' writing.

21 MR OTTY: I am very grateful.

22 THE CHAIRMAN: Thank you, Mr Brodie.

23 MR OTTY: Was this document ever faxed to you?

24 A. Absolutely not.

25 Q. Could you turn to page 421 in the same document, please.

26 A. Yes, sir.

27 Q. We have here a letter in the name of Thelma Turpin, which,

28 as you may have appreciated, is one of the letters in

29 respect of which authorship is not only disputed but

30 because of a letter written by a real Thelma Turpin three

31 days later we know that at least this letter has very real

32 question marks about the authorship.

33 A. I am not privy to that information.

34 Q. We see, again, at the top, just above the page numbering,

35 421, another number written in in manuscript, do you see

36 that?

37 A. Yes, sir.

38 Q. 945-1229. That again is your fax number, is that correct?

1 A. That is the fax number for my law offices.

2 Q. And it appears to be written in the same handwriting as
3 the document we were looking at a moment ago, but that is
4 really a matter of comment. I probably should not put it
5 to you. What I would like to ask you is whether you ever
6 recall receiving a fax of this article.

7 A. No, sir. I do not recall ever having seen this letter,
8 whether in the form of a fax or the actual publication in
9 the newspaper, until it was provided to me in November
10 2008 by the Tribunal.

11 Q. For the purpose of preparing your statement?

12 A. For the purposes of preparing my statement.

13 Q. Could you go next to page 385 in this bundle? On this
14 page we have what appears to be a message left for Madam
15 Justice Levers on 12th February, I think it is, of last
16 year indicating that you had called and that you wanted to
17 run something by Madam Justice Levers, but you did not
18 want to talk on the phone. You were wondering whether she
19 was free for you to come around and see her. Then we have
20 what appears to be a note from Madam Justice Levers to Mrs
21 Webb, "I, too, need to speak to her, please tell her I
22 have a new cell so I can call her. Ask her for her
23 number". Then there is a note about you being at home
24 that evening. On the basis of those documents, it appears
25 that there was a matter of some sensitivity that you
26 wished to discuss with Madam Justice Levers privately
27 around this time.

28 A. I do not recall this particular - leaving this particular
29 message on a specific date.

30 Q. No.

31 A. But I am aware that I have spoken to Madam Justice Levers
32 on several occasions, both personally and on the
33 telephone, and I would say that those conversations would
34 have taken place primarily between September 2005 and, in
35 all likelihood, not after the middle part of 2007. I am
36 able to state that because of my involvement in the
37 particular matter that I have spoken to Madam Justice
38 Levers about.

1 Q. Did that particular matter have anything to do with the
2 administration of justice?

3 A. Nothing whatsoever.

4 Q. Then going back to this document, are you able to shed any
5 light on what you might have wished to discuss with her in
6 February last year?

7 A. I believe I could very well have spoken to Madam Justice
8 Levers during this time period on various matters relating
9 to the Cayman Islands Health Practice Commission of which
10 I am a member. Madam Justice Levers was very, very helpful
11 and, in fact, showed a very keen interest in offering her
12 assistance to the Commission when we were considering the
13 implementation of legislation, the drafting and
14 implementation of legislation, dealing with organ
15 transplantation in the Cayman Islands. I recall Madam
16 Justice Levers spoke to me on at least three or four
17 occasions and I remember once standing and discussing the
18 matter with her briefly after I had concluded a hearing in
19 court. I also discussed various issues with her on the
20 telephone, particularly during periods leading up to
21 meetings that the Commission would be having and I would
22 be seeking information on, which Justice Levers very
23 kindly offered to provide.

24 Q. That would not be a matter that you would be reluctant to
25 discuss over the telephone.

26 A. No. I am not sure if it was in that particular instance it
27 would have been a matter that I was reluctant to discuss
28 over the telephone, but it was probably a matter that I
29 would have preferred to have spoken directly with Madam
30 Justice Levers rather than to leave a message.

31 Q. Now, I make it clear, Mrs Thompson, I have no evidence to
32 challenge what you have just said, but for the purposes of
33 exploring matters before the Tribunal I would like to put
34 one further question to you in relation to this matter.
35 Around this time, in February 2008, the documents in the
36 papers before the Tribunal do show that a petition was
37 being prepared to be sent to the Governor by a number of
38 members of court staff and I would just like to ask you to

1 confirm, as I understand your evidence to be, that
2 whatever conversation that you did have in February 2008
3 had nothing to do with any such matter?

4 A. Certainly not, sir. I had no prior knowledge and, in fact,
5 I have very little, if any, knowledge about the issue of
6 any petition being brought by court staff. I most
7 certainly did not discuss the issue of a petition with
8 Madam Justice Levers or any member of staff at the
9 judiciary. I would like again to say that I am in the
10 dark in so far as what the contents of such a petition
11 would have contained as we speak today.

12 Q. Thank you, Mrs Thompson. I have one final question. It
13 has been suggested by a number of witnesses that attorneys
14 in the Cayman Islands have considerable reservations about
15 Madam Justice Levers but for some reason they have felt
16 inhibited about coming forward to put their complaints on
17 the record. Could you comment on that suggestion?

18 A. I have never had such reservations. I have appeared before
19 Madam Justice Levers on numerous occasions in chambers and
20 in open court. There have been many, many instances in
21 which Madam Justice Levers has not ruled favourably for my
22 clients, but I have never had an opportunity once in which
23 I would have had any reservation or doubted her ability
24 and integrity as a judge.

25 MR OTTY: Thank you, Mrs Thompson, I have no further questions.

26 THE CHAIRMAN: Yes, Mr Brodie.

27 **Cross-examination by MR BRODIE**

28 MR BRODIE: Mrs Thompson, I wonder if you would look at page 133
29 of the core bundle.

30 A. Yes, sir.

31 Q. This is a memorandum prepared by somebody, I do not think
32 that you need to know who it is particularly, which
33 purports to describe what happens habitually in Madam
34 Justice Levers' court. I would just like to read it to you
35 and invite your comments on it. "Please find enclosed
36 several excerpts of trial and chambers transcripts.
37 Although these transcripts are an accurate record of what
38 was said during the proceedings, they do not depict the

1 overwhelming tension that prevails and dominates
2 throughout. The trial itself becomes secondary to the
3 constant theatrics, bullying, hurtful and inappropriate
4 comments that are generated. Women in particular are
5 insulted, castigated, demeaned and humiliated for no
6 particular reason. This results in such an unpleasant and
7 unfair environment that people are traumatised after the
8 experience". Do you recognise that as a fair description
9 of what happens before Madam Justice Levers?
10 A. No, certainly not, sir. I have never experienced any
11 behaviour of the nature described here.
12 Q. You are a matrimonial practitioner?
13 A. Primarily, yes.
14 Q. Do you know many of the practitioners in this
15 jurisdiction?
16 A. Yes, sir.
17 Q. Have you ever heard anybody else expressing views of this
18 kind?
19 A. No, sir.
20 Q. Going on, "The court staff is publicly chastised for not
21 moving fast enough, not swearing in a juror quickly enough
22 before someone has a chance to challenge them". Is that
23 something you recognise?
24 A. No, sir.
25 Q. "It becomes apparent very early on that she has already
26 made up her mind about the case, almost always in favour
27 of male defendants".
28 A. I have not found that to be the case, sir.
29 Q. In your matrimonial practice, do you act for both husbands
30 and wives?
31 A. Probably on a 50:50 basis. I represent as many male
32 clients as I do female.
33 Q. Have you ever discerned any bias on the part of Madam
34 Justice Levers against women?
35 A. No, sir, never.
36 Q. Have you ever discerned any bias on the part of Madam
37 Justice Levers towards or against particular races?
38 A. No, sir.

1 MR BRODIE: Thank you, Mrs Thompson.

2 THE CHAIRMAN: Thank you, Mr Brodie.

3 MR OTTY: I have no further questions. Thank you, sir.

4 THE CHAIRMAN: Thank you, madam, you are released by the
5 Tribunal.

6 (Witness withdrew)

7 MR OTTY: Sir, the next witness is Mr Christopher Levers.

8 MR CHRISTOPHER LEVERS: Sworn

9 EXAMINED BY MR OTTY

10 MR OTTY: Thank you, Mr Levers. You will find open at tab
11 23 in the PL bundle in front of you a statement in your
12 name. You adopt that evidence before the Tribunal?

13 A. Yes, I do.

14 Q. You are I think currently an attorney at Walkers; is that
15 correct?

16 A. No, I have signed a contract with Walkers and am awaiting
17 a start date.

18 Q. You were at any event at home in Grand Cayman in around
19 mid-July 2007?

20 A. I had completed my Bar course at court school of law in
21 May, stayed around in London for a bit and then returned
22 in July 2007, very early July.

23 Q. Do you recall seeing any of the correspondence critical of
24 the judiciary which we know was published in July 2007?

25 A. I heard of it. I personally did not read any of the
26 articles themselves. I have subsequently read them
27 obviously because of the Tribunal proceedings.

28 Q. You say in your witness statement that you are not in the
29 habit of typing correspondence, you were not in the habit
30 this time or any other in the habit of typing
31 correspondence on your mother's behalf.

32 A. No.

33 Q. Have you ever typed correspondence on your mother's
34 behalf?

35 A. I think for me to type correspondence has only occurred
36 after the Tribunal proceedings, I have started. My mother
37 is not the most technologically savvy of people so on
38 occasion when I was at home she would ask me to sit by the

1 computer, especially given her ill health. She is not
2 able to ,move freely back and forth to get to the
3 computer, so quite recently, but never and not at this
4 time.

5 Q. So only for the purposes of preparing for these
6 proceedings?

7 A. Exactly.

8 Q. When were you first asked about the allegation made by Mrs
9 Webb to the effect that she had witnessed a telephone
10 conversation between yourself and your mother in July 2007
11 in relation to the typing up of a letter?

12 A. It was after the Governor had called the Tribunal inquiry.
13 I had never heard that allegation before then.

14 Q. So sometime shortly after September 2008?

15 A. September 2008 I think.

16 Q. Can you turn in bundle 1 to Mrs Webb's statement which you
17 will find at tab 44, and the material paragraph is at
18 paragraph 27. Do you have that?

19 A. Yes.

20 Q. It says "later on that afternoon I was talking with
21 Justice Levers in her chambers. She called her son and
22 asked him to type a letter for her, and if he wanted her
23 to scan the letter to him. She was stretching out her
24 hand towards me with a piece of paper to scan. I was
25 standing a distance away close to her robing room door. I
26 do not know what Justice Levers' son said to her as she
27 was handing me the letter, but I know that Justice Levers
28 put the letter down on her and did not give it to me". I
29 appreciate you have addressed this matter in your witness
30 statement but you will also appreciate that it is one of
31 the particularly important allegations before the
32 Tribunal.

33 A. Of course.

34 Q. I would like to give you the opportunity of commenting to
35 the Tribunal or giving the Tribunal your response to the
36 allegation that is made by Mrs Webb in that paragraph.

37 A. I can only say that my mother has never asked me to type
38 anything that she intended to scan to me. She never asked

1 me to type anything relating or regarding the judiciary
2 critically, and definitely she has never asked me to type
3 anything to the editor of any newspaper, and I am
4 surprised that Betsy - I am sorry, Mrs Webb - would make
5 such an allegation.

6 Q. And there is no possibility I take it that you accept that
7 you were mistaken in your recollection of events in July
8 2007?

9 A. None whatsoever.

10 MR OTTY: Thank you, Mr Levers. I do not have any more
11 questions.

12 THE CHAIRMAN: Mr Brodie.

13 **Cross-examination by MR BRODIE**

14 MR BRODIE: Mr Levers, I just want to ask you one or two
15 questions. I think you returned to the United Kingdom not
16 later than November 2007, is that right?

17 A. It was actually very early September 2007.

18 Q. Early September?

19 A. Yes.

20 Q. And I think you were called to the bar by the Inner Temple
21 in November 2007?

22 A. October 2007.

23 Q. I think that you had previously obtained a law degree at
24 Liverpool University, had you not?

25 A. Yes, through the local Cayman Islands Law School.

26 Q. Yes. Was that a first-class degree?

27 A. Yes, it was.

28 Q. And were you also awarded by the University the Dean's
29 prize?

30 A. I was actually awarded two prizes, the Dean's prize, which
31 was, I guess, for outstanding contributions to the school,
32 as I was Student Society President for two years, and also
33 - I cannot remember the name of the prize, but the prize
34 for the outstanding performance overall in the three-year
35 degree programme.

36 THE CHAIRMAN: Mr Brodie, Mr Levers' credit is not in issue.

37 MR BRODIE: Well, there is one other matter that I do need to
38 put and I am leading up to it and it is this. Just before

1 you were called to the Bar, did you join the chambers of
2 Mr James Guthrie QC as a pupil?

3 A. That is correct.

4 Q. And were you there in March 2008?

5 A. Yes, I was. I began pupillage in October 2007 and
6 completed it in October 2008.

7 Q. At that stage, were you in negotiation with Walkers to
8 join them once you had completed your pupillage?

9 A. Yes, I was.

10 Q. And after that you completed your studies at Norman Manley
11 Law School in Jamaica, which you needed to do to practise
12 here.

13 A. Well, I did not need to do it. I felt it was wise given
14 Jamaica is my home jurisdiction, one which both my mother
15 are very closely tied to still, that it would be wise for
16 me to do so.

17 Q. So the sequence of events was that you finished your
18 pupillage - what - in the middle of 2008?

19 A. October 2008.

20 Q. And then you have been to Norman Manley Law School until
21 now, is that right?

22 A. That is correct.

23 Q. And you qualified there?

24 A. I qualified there.

25 Q. Is that not useful for practising in this jurisdiction -
26 in this part of the world?

27 A. It is useful. It gives me a certain amount of flexibility
28 if I do intend to travel elsewhere.

29 Q. In about March 1908 - 2008, sorry. I have just gone back
30 a hundred years.

31 A. A bit before my time.

32 Q. In March 2008 did you, in fact, receive a contract from
33 Messrs Walkers?

34 A. Yes, I did.

35 SIR DAVID SIMMONS: What month was that, please?

36 A. March/April 2008.

37 MR BRODIE: And did you receive that from your mother?

38 A. Yes, I did.

1 MR BRODIE: Thank you. That concludes my cross-examination.
2 MR OTTY: I have no further questions, thank you, sir.
3 THE CHAIRMAN: Thank you, Mr Levers, for giving your evidence.
4 You are released by the Tribunal.
5 **(Witness withdrew)**
6 MR OTTY: Sir, that completes the list of witnesses who were
7 scheduled to give evidence today. We have made efforts to
8 see if Mr Seales could attend this afternoon, but I am
9 afraid that has not been possible.
10 THE CHAIRMAN: He will be here tomorrow?
11 MR OTTY: He will be here tomorrow. Could I just mention where
12 we stand on the question of Operation Tempura material,
13 not for the purposes of seeking any ruling, but so that
14 everybody in court is clear. Mr Akiwumi has helpfully
15 identified certain documents from that material which Mr
16 Brodie may wish to put in cross-examination. Ms Sheff, on
17 behalf of the Cayman Islands Government Legal Department,
18 has identified public interest immunity concerns in
19 relation to them and the current proposal, subject to the
20 Tribunal's views, is that to the extent necessary any
21 reference by Mr Brodie to sensitive material in that
22 selection produced by Mr Akiwumi be heard in private to
23 avoid any risk of possible public interest immunity
24 difficulties. I do not understand that any of the parties
25 represented to object to that course.
26 THE CHAIRMAN: Yes, of course. When is that likely to take
27 place?
28 MR OTTY: It is likely to take place during the course of
29 tomorrow, probably during the Chief Justice's evidence.
30 THE CHAIRMAN: I see. It will be convenient, you are saying, to
31 break off at the point when it is desirable to go into
32 private.
33 MR OTTY: Yes, sir. I hope by tomorrow we will have a formal
34 order to propose to the Tribunal to deal with this matter,
35 but it is agreed on all sides.
36 THE CHAIRMAN: Very well, Mr Otty. Do you agree with that?
37 MR BRODIE: I have no problem with this at all. Obviously, I
38 have no intention of referring to documents which will in

1 any way prejudice or embarrass anybody.
2 THE CHAIRMAN: No, of course not. It may, however, be
3 convenient to hear the matter in private ...
4 MR BRODIE: Of course. It will certainly make sure that, if
5 there is any danger of that, fair warning is given and
6 nobody will be taken by surprise.
7 THE CHAIRMAN: Thank you very much. 9.30 tomorrow morning.
8 **(Adjourned until the following morning at 9.30)**
9