



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2016/17 SESSION

9 March 2017

Sixth Sitting of the Third Meeting

**Hon Juliana Y O'Connor-Connolly, JP, MLA,
Speaker**

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PRESENT WERE:

SPEAKER

Hon Juliana Y O'Connor- Connolly, JP, MLA
Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

| | |
|------------------------------------|---|
| Hon Alden McLaughlin, MBE, JP, MLA | <i>The Premier</i> , Minister of Home Affairs, Health and Culture |
| Hon Moses I Kirkconnell, JP, MLA | <i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport |
| Hon D Kurt Tibbetts, OBE, JP, MLA | Minister of Planning, Lands, Agriculture, Housing and Infrastructure |
| Hon Marco S Archer, MLA | Minister of Finance and Economic Development |
| Hon Osbourne V Bodden, MLA | Minister of Community Affairs, Youth and Sports |
| Hon G Wayne Panton, MLA | Financial Services, Commerce and Environment |
| Hon Tara A Rivers, MLA | Minister of Education, Employment and Gender Affairs |

EX OFFICIO MEMBERS OF THE CABINET

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| Hon Jennifer M Ahearn | Acting Deputy Governor, Temporary ex officio Member responsible for the Portfolio of the Civil Service |
| Hon Samuel W. Bulgin, QC, JP | Attorney General, ex officio Member responsible for the Portfolio of Legal Affairs |

**ELECTED MEMBERS
GOVERNMENT BACKBENCHERS**

| | |
|-------------------------|---------------------------------------|
| Mr Roy M McTaggart, MLA | Second Elected Member for George Town |
| Mr Joseph X Hew, MLA | Sixth Elected Member for George Town |

OPPOSITION MEMBERS

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| Hon. W. McKeever Bush, OBE, JP, MLA | <i>Leader of the Opposition</i> , First Elected Member for West Bay |
| Mr Bernie A Bush, MLA | Third Elected Member for West Bay |
| Capt A Eugene Ebanks, JP, MLA | Fourth Elected Member for West Bay |

INDEPENDENT MEMBERS

| | |
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| Hon Anthony S Eden, OBE, JP, MLA | <i>Deputy Speaker</i> , First Elected Member for Bodden Town |
| Mr Alva H Suckoo, Jr., MLA | Fourth Elected Member for Bodden Town |
| Mr Winston C Connolly, Jr., MLA | Fifth Elected Member for George Town |
| Mr D Ezzard Miller, MLA | Elected Member for North Side |
| Mr V Arden McLean, JP, MLA | Elected Member for East End |

OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2016/2017 SESSION
THURSDAY
9 MARCH 2017
10:46 PM
Sixth Sitting

[Hon. Juliana Y. O'Connor-Connolly, Speaker, presiding]

The Speaker: Good morning.

I will call on the Fourth Elected Member for the District of Bodden Town to say prayers this morning.

PRAYERS

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Premier, the Speaker of the Legislative Assembly, the Leader of the Opposition, Ministers of the Cabinet, ex-officio Members and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

Let us say The Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated.

The House is now resumed.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: None

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

PRESENTATION OF PAPERS AND OF REPORTS

The Speaker: None.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 31

UPDATE ON THE REVIEW OF THE ROYAL CAYMAN ISLANDS POLICE SERVICE BY THE NEW COMMISSIONER AS PROMISED BY THE GOVERNOR, AND WHAT, IF ANY, CHANGES, AND/OR ADDITIONAL RESOURCES WILL BE PROVIDED FOR NORTH SIDE POLICE STATION?

The Speaker: I recognise the Honourable Member for the District of North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: Thank you, Madam Speaker.

Madam Speaker, I wish to ask the Honourable [Acting] Deputy Governor, Ex-Officio Member, the following question: Can the Member give an update on the review of the Royal Cayman Islands Police Service by the new Commissioner as promised by the Governor; and what, if any changes and/or additional resources will be provided for North Side Police Station?

The Speaker: I recognise the Honourable [Acting] Deputy Governor, and wish to welcome the Commissioner of Police to this honourable Parliament.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

Madam Speaker, the answer: The Commissioner of Police took up post on the 7th November 2016. Since his appointment, the Commissioner has been reviewing current processes, policies and procedures across the full range of policing business areas, including assets and estates, to inform the future strategic direction of the Royal Cayman Islands Police Service toward the delivery of a modern progressive professional fit for purpose 21st Century policing service meeting community demands and expectations.

In discussions with the Commissioner, he has advised that his initial assessment has identified that the basic policing framework and structures underpinning current operations at the RCIPS are sound, but that there is a significant requirement to build capacity, capability and resilience to meet societal and environmental demands and expectations. This requirement necessitates a full and detailed review of current resource allocation and deployment to identify and implement a “best-fit” model for policing in the Cayman Islands. As highlighted above, asset and estate are key components of the review and the service delivery model is being developed.

The Commissioner has advised that he has identified critical skill gaps and vulnerabilities impacting on the capacity of the Royal Cayman Islands Police Service to deliver an effective and efficient policing service to the people of the Cayman Islands.

I am aware that the Commissioner is currently attending to his review and will provide a strategic document in the coming months to inform the future strategic direction of the Royal Cayman Islands Police Service.

Turning to the North Side Policing District, you will be aware that earlier in his tenure, the Commissioner reopened the North Side Police Station and allocated two police officers there. The Commissioner has advised that he will keep this matter under review to ensure that available resources are used to optimum effect across the Cayman Islands. The Commissioner has further advised that he is currently examining the feasibility of reopening the East End Police Station staffed with a complement of two police officers to meet service demands in that District.

Further, the Commissioner is contemplating the completion of minor repairs for both North Side and East End Police Stations to upgrade official accommodation facilities with the view to having a police officer reside in the accommodations at each location. This added presence would be intended to bolster engagement and partnership with the surrounding community.

Finally, Madam Speaker, the Foreign and Commonwealth Office commenced a security review of the Cayman Islands, the outcome of which will assist the Commissioner to set the future strategic direction of the Royal Cayman Islands Police Service.

The Speaker: Are there any supplementaries?

SUPPLEMENTARIES

[Continuation of supplementary questions on Question No. 31]

The Speaker: The Honourable Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker: I have just been handed supplementary information for the Elected Member for North Side. Is this part of the answer or is this . . .

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

The supplementary information has been provided in response to the supplementary question that was asked yesterday regarding how long and whether the police officers were currently in the North Side Police Station.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: I just wanted to establish if supplementaries can be asked on this as well, if it is part of the original answer.

The Speaker: The information is emanating from the main question, so it would still be relevant.

Mr. D. Ezzard Miller: Through you, Madam Speaker: In the answer, the [Acting] Deputy Governor says that the Commissioner . . . oh, by the way—Are you the new Commissioner of Police, sir?

[Inaudible interjection]

Mr. D. Ezzard Miller: Glad to meet you sir.

The Speaker: Members, Members, Members . . .

Mr. D. Ezzard Miller: I am the representative from the District of North Side.

The Speaker: Member, Member, let's keep it through the Chair.

Mr. D. Ezzard Miller: Through you, Ma'am.

The Speaker: I would just ask you to take your seat, not on a basis of naming, but I would invite the Honourable Deputy Governor to do an introduction, as Members know the Standing Orders do not allow us to speak to third parties.

Honourable {Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you very much, Madam Speaker.

It gives me great pleasure to introduce the new Commissioner of Police, Mr. Derek Byrne.

The Speaker: Thank you for your indulgence.
Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker.

In the [Acting] Deputy Governor's answer she says that the Commissioner of Police is going to deliver "a modern progressive, professional fit for purpose 21st Century policing service meeting community demands and expectations." Is his findings therefore that the current policing is not fit for purpose or 21st Century policing, meaning community needs and expectations?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

As outlined in the following paragraph in the answer, the Commissioner has advised that the initial assessment has identified that the basic policing framework and structures underpinning the current operations are sound, but that there are capacity gaps that he is looking to identify and address.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker.

The answer earlier says: "**Turning to the North Side Policing District, you will be aware that earlier in his tenure, the Commissioner reopened the North Side Police Station and allocated two police officers there.**" Can the [Acting] Deputy Governor say when this was and who initiated the police using the North Side Police Station for that period of time?

The Speaker: I recognise the Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

I've been advised that the officers were stationed there mid to late November and it was as a result of response to an increased number of burglaries in the area at the time.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Can the [Acting] Deputy Governor confirm that this was as a result of a request that I made to [Chief] Inspector Beersingh at a meeting at the Bodden Town Police Station on behalf of the constituents of North Side who were deeply concerned that there had been 8 burglaries in less than a week and there was no response from the police?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

I've been advised that it was part a review overall due to the number of complaints that were received and the decisions were made. I don't have [Chief] Inspector Beersingh here today to respond to that.

The Speaker: Honourable Member for North Side, I will allow three more supplementaries.

Mr. D. Ezzard Miller: Can the [Acting] Deputy Governor give any details and any timeframe on completing the minor repairs on the North Side Police Station to make it fit for a police officer to reside there?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

We have been advised by Public Works that those should be completed in early April.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker: Can the [Acting] Deputy Governor confirm that when these repairs are completed by Public Works in April, there will be police officers stationed at the North Side Police Station permanently?

The Speaker: I recognise the [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

The RCIPS have already asked for expressions of interest from officers who would like to take up these residential accommodations and it is expected that as soon as the accommodations are ready and the personnel have been identified to be posted there, there will be two permanent officers in the district.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker, just one more supplementary.

Are you suggesting, [Acting] Deputy Governor that this is just going to be a place for policemen to sleep and that they are not going to be confined during the day to policing in North Side?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

No, that is not what I was intending to portray. The residential accommodation is being done so that there will be a presence in the district on a 24 hour basis. They will obviously be there to undertake their usual policing duties.

The Speaker: I recognise the honourable Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker.

Madam Speaker, it is indeed a pleasure to be introduced to the Commissioner of Police. It is nice to see his face. I have not seen him before. Now I can put a face to the name.

Madam Speaker, in this supplementary information that was just circulated, it is said that Sergeant Scott and PC Kirchman are still in North Side. Can the [Acting] Deputy Governor tell us: What is the coverage in East End?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

I have been advised by the Commissioner that the coverage in East End is currently very . . . virtually . . . it's very infrequent, but once the amendments or the renovations are done to the police station there will be two officers permanently posted to East End as well.

The Speaker: Honourable Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Should I point out that that word "infrequent" has plagued us for quite a while in the District of East End?

Madam Speaker, as I read this, there are 36 officers attached to the Bodden Town Police Station and that covers Bodden Town, East End and North Side, as I understand it. In the Commissioner's review of the Police Department that we asked the Governor to do from here, can the [Acting] Deputy Governor tell us if he has found the proper complement to cover those three Districts since we are now talking about sending two to East End? And what is the full complement that is required, in his review?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

I have been advised that as part of the ongoing review, they have identified that the minimum complement for East End would be two and that they would obviously allocate resources up and down as the demands require.

The Speaker: Honourable Member for East End.

Mr. V. Arden McLean: Madam Speaker, maybe my question was not understood. Mr. Miller and I, over the years, have agreed, and the previous Member for North Side, have always agreed that Bodden Town would be the "headquarters to manage East End, North Side and Bodden Town." We accepted that. This supplementary information says that there are 36 currently in Bodden Town Station, which I suspect would include Mr. Scott and Mr. Kirchman who are attached to North Side. Now that we do not have anyone in East End and it is *infrequent*, within the Commissioner's review, what is the full complement to manage that headquarters and those two subs?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: If I may consult.

The Speaker: Certainly!

[Short pause]

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

I have been advised that the review to determine that figure in terms of the optimal number of officers assigned to that headquarters is something that is still under consideration. The number of officers that would be at the Bodden Town Headquarters to cover the three Districts of Bodden Town, North Side and East End is something that the Commissioner is still actively reviewing and has not yet reached the final figure as part of his review, but that the current complement will be increased by these four additional officers as opposed to taking four of those officers. Or they might come from within that pool but the idea is that the total number of officers currently allocated to the Bodden Town Headquarters would be increased by four once the renovations to the East End and North Side Police Stations are completed, so that the officers can be stationed there.

The Speaker: Member for East End, I will allow three more supplementaries.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Madam Speaker, we have heard this . . . for 15 years as a Member of this Parliament we have heard we are reviewing the full complement for the eastern districts and I want to lump them in—the eastern districts.

Can the [Acting] Deputy Governor tell us when that review will be completed and made available to this Parliament?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

The Commissioner advises that he anticipates that it will take two to three months for him to finish up the review that he is currently undertaking. And he is working along with the Governor's Office on the review through the FCO as well.

The Speaker: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Madam Speaker, in the previous supplementary when the [Acting] Deputy Governor said that there will be four additional officers, granted that two officers are now at the North Side Station who have always been part of that complement for the eastern Districts. Do those four new ones include those two to stay in North Side?

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

Madam Speaker, just to confirm that we indicated on the supplementary information, that there are 29 constables currently. The additional four would bring that up to 33 for the Bodden Town Headquarters.

The Speaker: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Madam Speaker, can the Deputy Governor say in that review if the Commissioner is considering looking at reviewing whether or not the Bodden Town Station being the headquarters for the three Districts, will include the full complement of the Police Service, that is, armed response, forensic—all of the different disciplines within the Police Service necessary for the fit for purpose statement made in the substantive response?

The Speaker: Honourable [Acting] Deputy Governor

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker, if I may have a moment to consult with the Commissioner. Thank you.

[Short pause]

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

The Commissioner has advised the centralisation of those specialist services that the Member has referred to, is the best delivery model and that it is anticipated that the centralisation of those specialist services would be maintained so that we are not looking at putting those into the Bodden Town Headquarters at this time.

The Speaker: Honourable Premier, we have reached the hour of 11:00 am. The Member for East End has indicated he would like to have another supplementary. If so, we will have to suspend Standing Order 23(7) and (8).

SUSPENSION OF STANDING ORDER 23(7) AND (8)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 23(7) and (8) in order that Question time may continue beyond the hour of 11 o'clock.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow question time to continue beyond the hour of 11:00 am.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 23(7) and (8) suspended.

The Speaker: Honourable Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Madam Speaker, it was quite an interesting response. Granted, I shall give the Commissioner the benefit of the doubt that he has not been here and may not have the knowledge that I do and many of my constituents do, which is, that hitherto when that happened of centralising those special areas, such as forensic and what-have-you, the response time was three to four days. And now that I have enlightened him, if he has not been enlightened before, I need him to consider that, Madam Speaker, And that is one question, if that will be considered based on that.

The other thing is, Madam Speaker, I note within the substantive answer that he visited the East End Police Station. I wonder if there is a new policy now because every time the other commissioners

came to East End to visit, they would consult with me over the last 16 years. And I have been in meetings at the Bodden Town Station once a month, Mr. Miller?

[Inaudible interjection]

Mr. V. Arden McLean: Having discussions with the Command. Thus far, we have not had any in six months. I don't know if there is a new policy that no more discussions with politicians or no more consultation with representatives from the districts to get an expression of their concerns and needs and the likes. I am wondering if that could be answered please.

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker, if I may have a moment to consult with the Commissioner.

The Speaker: Yes, certainly.

[Short pause]

The Speaker: Honourable [Acting] Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you very much, Madam Speaker.

The Commissioner has advised that just to remind that the specialist services will still be deployed. As the required, he does note the concern about response time and he has given an undertaking to look into that as part of his ongoing review to ascertain whether there are some steps that need to be taken to address concerns in that area.

He has advised that one of the other things that they are currently looking at as part of the review is having two detectives dispatched back to the Bodden Town Headquarters and whether that is something that is required and feasible.

He has also indicated to me that, Madam Speaker, he is more than happy to meet with the Members of this honourable House if they would like to meet with him, and that he has not advised his team that they should not have their regular meetings that were going on. So, he would welcome the opportunity to meet with the Members, Madam Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. Bernie A. Bush, Third Elected Member for West Bay: Madam Speaker, through you: Welcome sir.

In the Commissioner's review, the last time the Acting Commissioner sat right now where the Acting Deputy Governor spoke. I asked him a simple question and that was: When you arrived, did they advise you of the blatant racism in the Police Service

amongst police officers? If they have not, I have evidence. I stated some on the Floor of this House.

Lately, it continued where a police officer forged a doctor's thing. Since then, the doctor has come back and said something different from the original, but we know how that goes. They were allowed to resign and now there are also other documents that have been forged that have been found and have been allowed. There were cases where local officers did a sin, the counterparts from Europe did the same; completely different results.

We have good God-fearing citizens. A lady of 78 years old, church lady and her son, about 50 to 60 years old, business people, witnessed assault; nothing has come of it. It is not like [they are] people who anti-police. Those are the types of things that have gone on. In your review, there is a problem in the Service that I think you should be aware of. And, my first question is: Will it be addressed?

The Speaker: Honourable [Acting Deputy Governor]

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

Firstly, I would encourage the Member for West Bay to let the Commissioner know the specifics of some of those instances that you have raised here today so that they can make sure that they are looked into appropriately. And, of course, I would encourage you to that at the side.

The Commissioner has confirmed that the scope of the review is all encompassing, and so, issues such as the ones within the [Service] that you have raised will be part of the review.

The Speaker: Third Elected Member for West Bay.

Mr. Bernie A. Bush: Thank you, Madam Speaker.

Madam Speaker, through you: The Deputy Governor has advised that the commissioner will be meeting with the local Caymanian helicopter pilot and it was just confirmed and I would like to say thank you. It is kind of late because the Deputy Governor announced that they already hired another helicopter pilot and the present person who is in charge of the helicopter seems to be bent on not putting a Caymanian in that seat. It is something that I do hope you will look into as well, sir.

I want to compliment you on the two detectives back to the Bodden Town [Station], and I hope you are doing it with the other districts because I had a meeting with your deputy and advised him that when the move was made to take them out of the districts, it was a big move; something happened and when I went and asked they said, *Well, they moved everybody back to town.* I said, *I'm not going George Town to give any talk to those guys, before, I could find them in West Bay.* So, compliments sir, that you would move them back to the districts.

Will you review also, the helicopter issue with our Caymanian helicopter pilot?

The Speaker: Honourable [Acting Deputy Governor]

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

As the Member mentioned, the Commissioner is going to meet with the young man and just to say that there is a strong push throughout the civil service to look at succession planning, particularly in the those sorts of highly technical areas and that the Commissioner has indicated a commitment to make sure that steps are taken.

The Speaker: Madam Clerk, next item of the business.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: There are none.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: There are none.

GOVERNMENT BUSINESS

BILL

SECOND READING

LEGAL PRACTITIONERS BILL, 2016

[Continuation of debate thereon]

The Clerk: The Legal Practitioners Bill, 2016.

The Speaker: Does any other Member wish to speak? *[pause]* Does any other Member wish to speak?

I recognise the Fifth Elected Member for the District of George Town.

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Thank you, Madam Speaker.

Madam Speaker, I rise to contribute to the debate on a Bill for a law to repeal and replace the Legal Practitioners Law (2015 Revision) to regulate the practise of Cayman Islands Law, both in the Islands and elsewhere, et cetera, et cetera, et cetera.

Madam Speaker, a lot has been said recently about this Bill and a motion pertaining thereto. But a lot has also not been said because some people do not have the ability to take out full page ads. They don't have the ability to do expensive press releases with professionals assisting. But what they do have, Madam Speaker, are some Members in this honourable House who will stand and state their case and I can be counted as one of them.

Madam Speaker, I want to commend these letters that have been copied to some of the Members on the other side already. But I want to table them and I want, with your indulgence, have the staff make copies for every single Member in this Legislative Assembly.

The Speaker: So ordered.

Mr. Winston C. Connolly, Jr.: Thank you, because I do not want anyone to get up and say they do not know what I am talking about.

Madam Speaker, I plan to tell a story today of the non-fiction kind; one that many others can't tell and won't tell, and I will also tell you why, Madam Speaker. Based on my own experiences, but, in particular, my own investigations over the last year and a half, of speaking to a number of ex-lawyers, current lawyers and articled clerks, simply, literally can't speak in some instances because they have confidentiality clauses when they leave firms, so their mouths are sealed for all eternity unless they are willing to pay back the money they received for that silence. What has been said to me repeatedly is that there is a culture of fear in and around the large law firms where people, if they speak out, feel that they are going to be blackballed. And I am going to read these so that they are committed to *Hansard*, Madam Speaker, lest anybody in this House dare say I am making this up. But that will come in time. Madam Speaker, there are allegations of letters being written and articled clerks being leaned on to sign and that is coming from one of the article clerks.

Madam Speaker, that, coupled with the lack of Caymanian advancement, meaningful advancement to equity position in these firms—because I am also going to tell you about the differences in the word “partner”—because the Immigration Board seems to believe it is all one and the same. And I am going to say it for the record. I am going to show what the differences are in our own Immigration Law along with the fee structures therein, and what the Law says about promotions and re-designations.

Madam Speaker, when I started this in July of 2015, I am going to show how one person speaking

into the wind, eventually if you say it long and loud enough, can get some of those same people who are afraid to put their names to letters stating their positions. And the reason I was told that some of that happens is that people are now to the point where they have passed frustration, and part of that is the lack of responses or even acknowledgement from some of the very same Members of this Legislative Assembly to their pleas, to their letters. And, Madam Speaker, as elected leaders of this country, that is deplorable.

"The sky is falling; the world is coming to an end." That is what we have been hearing lately, Madam Speaker. But what we have not been hearing is what has been occurring for decades in this country without someone standing up for those individuals; someone marking the line in the sand and saying: *Enough is enough!* If not now, when? If not us, who? I am going to touch on that, Madam Speaker, because in an Assembly that has fair representation from the legal fraternity, not only do we know what is occurring. Some of us have made complaints over the years because of personal situations, so, they can empathise with the practitioners that are coming to us now. Some of us were in leadership positions. Some of us left the profession because of some of the things that are still occurring today. Madam Speaker, we know better and that means we should be doing better.

Madam Speaker, I took this job on, not expecting to be standing here today saying the things that I am going to say, but when I saw no one else willing to come forward and say it, I penned an email to my colleagues at the time, saying that we needed to stand up for those faceless, voiceless Caymanians in the profession, and that I would be willing to bet both my political career and my professional career to stand up for these people. I detailed the meetings that I had been having and also the fear of people who did not want to put their names forward. And, Madam Speaker, I know the sentiment is that 'it is an impossible situation'. How do we stand up for people who won't speak for themselves? Madam Speaker, I am standing here knowing that I am committing professional suicide, but somebody has to do it, somebody has to say that that is the reason why we all were elected in this House, to represent our people without fear, without failure. And again, I say it is deplorable that those of us who know better have said nothing about it.

Madam Speaker, we have heard a lot of reasons for this Bill, most of which were based on CFATF reasons; modernising the fraternity in making it self-regulating because we know better than most of how to regulate ourselves. But, Madam Speaker, in all of those discussions, all of those talks, nobody has acknowledged the situation that exists with Caymanian lawyers in this country; namely, the ones who are schooled here are not making it to equity partnership and there is a culture of fear where people won't

speak up because they feel that if they do they are going to get ostracised and they feel that no one is there that they can complain to. Madam Speaker, to modernise a law and not put in the provisions that will protect our people is no real modernisation, especially when we have examples from the UK and other places that we consider first world.

Madam Speaker, stewardship means careful and responsible management of something entrusted to one's care. We in this House get up and speak on all sorts of matters of discrimination. We get up and beat our chests on gender affairs. We get up and speak about gay and lesbian rights. We get up and speak about religion. Madam Speaker, who is speaking for the Caymanian lawyer who from a statistical representation and an actual representation is being discriminated against in their own fraternity? Where are those voices now in this Chamber? Madam Speaker, it is our job to sometimes say things that are inconvenient truths, stand behind them and be counted when the spotlight is on us. That is what we told the people of this country we would do if they gave us their votes.

What is the role of Government in all of this? I have to wonder sometimes. I really do. Madam Speaker, we are the people who are set about to make good laws for the governance of these Islands and our people and policies which affect them and their livelihood. If we do not do it, who will?

Madam Speaker, I am also going to show how people feel they have no real outlet, even with the bodies that are supposed to be looking out for their interest. It was Martin Luther King Jr. who said: **"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because conscience tells him it is right."**

Madam Speaker, I spoke a lot yesterday about conflicts and I am not going to get into those, other than to say that I hope that every Member in this House has declared any conflict that they may have indirect or direct. And in my mind, Madam Speaker, subject to any determination that you would make, conflicts arise if a Member has gotten any significant sum of money from any law firm since this Administration started; if they have any offer of employment that is floating from a law firm in these Islands; if they have had family members hired by law firms in the last four years. Those are some examples, Madam Speaker, which I would hope that you and others in this honourable House would identify as conflicts, perceived or otherwise, because the perception of conflicts in the public arena with those entrusted to be objective in their decisions, is as bad sometimes as an actual conflict.

Madam Speaker, I believe that Caymanians can be anything they want to be given proper opportunities. I believe that our economic sustainability relies on educating and training Caymanians to take

meaningful economic and decision making roles in the professions in this Caymanian economy. I believe that Caymanian parents should know that their sacrifices to educate their children will be fully realised without barriers, artificial or otherwise, so that their capable children can be as successful as their own abilities allow them to be, especially in these, the Cayman Islands. I believe that capable Caymanian children should be able to aspire to any role in Caymanian society, but then, who am I to dare to believe?

It is not only me who believe, Madam Speaker. Our political forefathers believed the same thing and if we look at the letter and intent of the laws that they put in place, they were put there so that Caymanians could rise to the mountaintops in their own country, figuratively speaking; that they would be masters of their own destiny. That is why the blood, sweat and tears that they put out there, that they put in place for our people should be followed and revered, just like we do when we say, *Oh, the seamen built the Cayman Islands*, we should say that some of our political forefathers and mothers, the giants in this society, did the things that they did for a reason.

Madam Speaker, I am going to say it: We are now minorities in our country, and maybe it is time that we start being treated as minorities, as sad as that is to say, because, at least if we were treated as minorities like in other first world jurisdictions, there are some interventions made and some parameters set and it is sad that we have to say that in our own country, but it is time to call us what we are. We are the minority in our own country.

A lot has been said, Madam Speaker, about utterances from me and the Member for East End, that we are attacking the financial services and legal fraternities in this country and it is us who are going to cause the end of the gravy train. Madam Speaker, they killed the messenger's response to what has been raised multiple times before, unlike the Cayman Finance statement, and I am going to show how it was raised multiple times and those people who are lawyers on Cayman Finance knew that. So, to make that statement was very deliberate and very disingenuous but I am going to show that today because I am going to go back and give us a history lesson of how long people have been complaining with no recourse, no redress, and I am saying to everyone in this honourable House, enough is enough!

Madam Speaker, I recently attended the Accounts Gala evening, their Ninth Annual Gala. And the CEO of that organisation started her speech with this: "We are here to realise dreams." —*We are here to realise dreams*. And, Madam Speaker, if anyone, any group has carried out that statement in this country, it is the accountants. We can reach out and touch a whole lot more equity partners in accounting firms; in many instances, younger than the people in this room, and, in many instances, over a sustained period of time. And my question to this honourable House is: If

they can, why can't the lawyers? That slow rate of which those who were article clerks in Cayman firms are progressing to equity partnership in law firms is, and should be concerning for every Member of this honourable House, but particularly because we have more lawyers in here than any other profession. The lack of Caymanians who completed articles in Cayman, in equity roles is no longer tolerable.

Madam Speaker, when we raised that infamous motion, it was because of public interest. It is also because of money. In an error when the middle class is living pay check to pay check, the cost of living is high. If we do not see that our people are properly prepared and trained and advanced to the higher levels, this house of cards based on simply fees and some employment for our people is going to come crashing down. Why is Government so intent to give away millions of dollars to people who make billions of dollars but overlook the ability for Caymanians to advance to the highest positions of power and influence in Cayman at an acceptable rate?

Imagine, Madam Speaker, what, in the big firms is the average entry salary into equity partnership. Imagine what that first rung would do and would mean for the next generation of Caymanians. Now, imagine what \$5 million a year would do. And then imagine what \$10 million a year would do. And then see if you can stretch your imagination some more and imagine what \$15 million a year would do. What life changing effect would that have on able, capable Caymanians who were schooled here, who had dreams of bigger things, who utilise the opportunities and the education granted to them here if they could reach those mountaintops.

That is what real nation building is, Madam Speaker. It is ensuring that the proper systems are in place so that your people get exposed and get all the training required to advance to the next step. And before somebody on the other side wants to accuse me of nationalising law firms, I want to be very clear here, Madam Speaker, I do not believe in affirmative action. I do not believe in putting Caymanians into a position because they are Caymanian. But equally, they should not be kept out of a position if they are Caymanian. And when the statistics show such alarming rates, it is up to us, everyone in this room, Madam Speaker, to ask why is it that some professions can and other professions can't seem to. Is it the education that we are giving them—the local education? Are we asking those questions as a government, as leaders who are supposed to make decisions based on data? And if we ask the question about education and we find it wanting, then we plug the hole and we raise the standards. But we have heard just in this Meeting, Madam Speaker, that we are getting more and more Caymanians coming through Ivy League schools that we have right here on our doorsteps. And they are getting better and better grades every year; some of the best grades ever! So, as an alumnus of that same

school, I don't think it is the education. It might be the perception of the education, but look at how many magic circle equity partners come from the University of Liverpool in the UK.

So, if it is not the education, then, as a country we need to be asking ourselves, why are people who are getting stellar grades, that have proven themselves academically all their school lives are suddenly not capable enough to get to the top tier in Caymanian firms? We have to ask ourselves, what is the process? At least that is what a reasonable person in charge with governance would be expected to do. And if we look at the process and it is found wanting, we plug the holes, Madam Speaker, and make goals and as a fraternity and a country we try to achieve them. We need to take note of what is going on because in many cases the gates are open and the horses are out.

We can build an economy that works for everyone, Madam Speaker, or we can take this watershed moment and just stack the deck even more for those at the top, because that is where we are, Madam Speaker. We are at a crossroads right now in our history. We are charged with making decisions on behalf of our people for our people. History will not be kind to us if we do not do the right thing by them, for them, and ensure that when there are allegations of discrimination of cultures of fear, of all these other things, that they are thoroughly investigated and dealt with. We have that power. So, why is no one asking the questions? Madam Speaker, we are supposed to be leaders; that is what we advertise to people, that is what we told them we would do for them, and the hottest place in hell is reserved for those who remain neutral in times of great moral conflict.

Madam Speaker, the Premier got up and said I attended a meeting just two nights ago, and I did at the request of the Chief Justice of this country. I went there in good faith. Madam Speaker, I went there to talk about big picture items that I've always talked about, as far back as anyone who is willing to listen would know. Madam Speaker, a year and a half ago now, when a group of about 20 young lawyers came to me where I had dinner with them and I was in the PPM caucus at the time, I raised the issue. I said we have people who are afraid to speak up. At that same meeting I heard that we had 75 Caymanian lawyers as partners in the firms and I almost went crazy because the fact that someone could say that without even batting an eye, especially when we know in that room that a partner isn't a partner isn't a partner. There are different levels of partnership and a salary partner or an associate partner is only an employee. They are not an equity partner. People are put out all the time as partners in law firms without the distinction placed there and our immigration boards have taken that on board. Many a time they believe those statistics. But you know what they say about statistics.

Madam Speaker, after that meeting, after some of the responses that I got, I penned an email to my then colleagues. So, for anyone to say as has been said in the last few weeks, that I am simply playing politics because it is leading up to an election, that it is convenient to bring these things up at the last minute to thwart a bill, and to those who would like to say that I was complicit in any activity where I just went along with the majority, I want to read this email, Madam Speaker, because if I was complicit, I will let the public judge as to whether I would have written this response.

"September 16th, 2015, 5:13 pm"; certainly not just in this 11th hour in this Administration, Madam Speaker.

"Elected colleagues, just an update, for whatever it is worth. I have not had any law firms sign up to my statement of goals . . ." (I am going to read those statements, Madam Speaker) ". . . but thankfully the Council of the Caymanian Bar Association has. I am, however, meeting with the President of the Cayman Islands Law Society next week so we will see where that leads.

"Whilst it is very unfortunate that no law firm would sign on to the five basic commitments. . ." [UNCERTIFIED QUOTES] And, Madam Speaker, just for clarity I am going to read from two documents because I did not put the five commitments into the email but everyone had them before that time, so I am going to read them with your permission.

The Speaker: So ordered.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

The document that I sent out to both law societies was headed: "Statement of Goals" which read – "We the undersign pledge to use our best efforts to demonstrate and ensure that the attitudes and practices within our firms, promote the full representation and participation of Caymanians at all ranks of the legal profession, namely to –

1. Remove any barriers to full and equal participation of Caymanian attorneys in all levels of the work, responsibilities and rewards.
2. Improve the rate of retention of Caymanian attorneys.
3. Improve the rate at which the law firms promote or invite Caymanian attorneys to non-equity and equity partner status and to management and leadership positions.
4. Fully adhere to the letter and intent of the Immigration Law as revised, of the Cayman Islands as it relates to hiring, training an advancement of Caymanians.

5. Conduct critical self-audits and evaluations of whether the law firm is achieving these goals and to provide measures of accountability in the process of implementing and aspiring to best practices.” [UNVERIFIED QUOTE]

Madam Speaker, this was gleaned from speaking with numerous accounting firms as to how they got their raw Caymanian talent polished and ready for equity partnership.

I went on to say, and I will read that again because I stopped so I will read it from the start: “Whilst it is very unfortunate that no law firm would sign on to five basic commitments, it was not unexpected. It has, in my mind, justified why I asked them to do so in the first place.

“If law firms operating in the Cayman Islands cannot or will not state that they will follow the Immigration Law as officers of the court, sign up to hire, train and promote Caymanian lawyers to full equity participation in firms, agree to look at their systems to say whether they are intentionally or unintentionally prohibit Caymanian lawyers from equal access to partnership opportunities, and if found, work to remove those barriers and to look at how better to retain Caymanian attorneys, then, I hope other people see the real issues facing the legal profession and the Caymanian professional.

“I’ve had a number of young Caymanian lawyers on Saturday night and since then, thanked me for my stance, and I am somewhat encouraged by that. In the same breath, they noted they cannot give public support for fear of victimisation and that is the major issue that young Caymanian professionals face. They can’t speak out and there is no one to speak for them. Whilst I personally find the general apathy and ignorance of the wider social and economic issue, both now and for future generations surrounding this issue troubling, I was pleasantly surprised that at least several accounting partners, both Caymanian and non-Caymanian reached out to give support, stating that this was what occurred in the 1980s to force the break in the glass ceiling they were experiencing, as did a few law firms salaried partners and at least one equity law partner. So, I will press on.

“I’ve set out below in further detail what I will again ask the firms and legal societies to consider and will seek to get this to press on Friday.

Some refused to carry it questioning my motivation. I also intend to publish it on Facebook and on my own site on the same day that I deliver it to the CILS and CBA as a second instalment for their consideration. Just so you know where I stand on this, I am committed to stake my future career, both political and vocational on ensuring that this issue that I and a number of young Caymanian lawyers are deeply concerned about is fully aired and debated at length, even if I am the lone wolf doing so, and for as long as I

have my seat. When it matters long after politics I will be happy to say that I stood up and fought for this, whatever the personal consequences when I had the ability and the obligation to do so. I don’t need any responses. This is simply an FYI.

“Kind regards, Winston.” [UNVERIFIED QUOTES]

One backbencher responded, Mr. Joey Hew, saying, “Thanks Winston.”

Madam Speaker, again, lest people say this is just politics and I am trying to win a seat, I have been saying this long before I got into politics. I said it again after I got into politics and I am saying it again even before the people might not want me to be in politics, that this is not something I am doing for recognition, it is not something I am doing to get a seat and it certainly is not the smartest thing to do as a lawyer who may or may not have to go back out into the workforce because of the decision of the people because I hold this seat at their pleasure.

Madam Speaker, it has been far too long that our talented hardworking people in the legal profession have been overlooked and not afforded the same opportunities that others have had. It is time that they be granted equal opportunities and the risk with supporting this Bill as it is drafted, is that these equal opportunities have not been given by the same people that we want now to remain fully in charge of the fraternity. Once gone, Madam Speaker, they likely will never come back and that will be a sad day for all of us, including our children.

Like the National Bulk Carriers did for our forefathers, I encourage the Minister to give our aspiring Caymanian lawyers a chance and they will too inspire the world with what they accomplish.

Madam Speaker, when we met at the Chief Justice’s Chambers, I finally got an acknowledgement that the President of the Cayman Islands Law Society would, at that time, have taken these statements of goals forward to try to use his best efforts to have the Law Society and the major law firms of over 20 lawyers take these on board. And he said that he was happy for his firm to take this on board. Those are the five goals.

So, Madam Speaker—

[Inaudible interjection]

Mr. D. Ezzard Miller: But he turned down a Caymanian Partner in January this year, Kurt; same one. She got a letter from a Caymanian Partner he refused to promote in January this year. It’s the same thing now.

Mr. Winston C. Connolly, Jr: Madam Speaker, it has been suggested that we should support this Bill and pass it into Law with the hope that the firms will begin to provide full opportunities for Caymanians, but how can we blindly accept this hope given the lack of structure and focus to date?

Madam Speaker, four years ago the same two groups, the Law Society and the Caymanian Bar Association agreed on a commitment letter. They passed it around and said that this was a draft document and if we got the Legal Practitioners Bill in place, (and that was four years ago) we would put these proposed commitment letters into operation. Madam Speaker, I was happy again at the same meeting with the Chief Justice, after raising this in our public meetings, because the Opposition went out to the public on the Legal Practitioners Bill. We went to every district, including yours, Madam Speaker, and we talked about the fact that this Commitment Paper was absent in the discussions on this new version of the Legal Practitioners Bill. I was happy to hear that, in fact, it was being discussed with the Minister and that there was a consideration and acceptance that there could be put into regulations. My question when we were making our tour, Madam Speaker, of these Islands was: If you know what to do, why do you need to wait on legislation to do it? And if you know and you knew four years ago but you sat on it to use it as a tool to get leverage for the Bill, what is legislation going to do to change attitudes at law firms? This should have been in place 25 years ago, not four years ago, and certainly, not now as we are talking about putting this Bill in place that has been 15 plus years in the making.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: I am, in that, I was still told that it would be put in place in this Bill. There are some firms that are doing it and I will say that. And, Madam Speaker, lest the reports that have gone out, especially in the last few weeks by the editor of the *Cayman Compass* and others, would like to say I was this failed lawyer who could not cut it in law firms and I have a grudge against law firms so I am using my political position they said, to try to give some form of payback.

Madam Speaker, let me say for the *Hansards* and give a little bit of history about myself. Madam Speaker, I had varied experiences in law firms, like most Caymanians, good and bad. But I am not one to ever dwell on the past, and, in fact, it was because of those opportunities that I had in law firms that I ended up being an equity partner in a financial services firm. So, the reports, I guess, of me not being to cut it, I think are deliberately and greatly exaggerated. What I did have, like I said, were positive and negative experiences, but as a whole, it allowed me to be where I am today. But because of those negative experiences I can talk about what is going on in the fraternity, and because of those positive experiences I can give credit where credit is due. I don't have any axe to grind. I had a very positive experience at Maples and Calder. Everything that they told me they would do, when I got there they did. I got all the support that I could have imagined wanting to get. I've gone on record before

and I will say it again. David Brooks, the Partner that was in charge of my team, took me under his wings, he taught me a lot about the law, he taught me a lot about the politics in law firms and he taught me a lot about what it took. I've said to David publicly and privately that perhaps if I had had him when I first started out, I would probably still be a lawyer.

Madam Speaker, it was David Brooks who told me that I could be a partner at Maples and Calder, that I was doing all the right things and if you know anything about law firms, if you have partners who are supporting you, that is an easier task. It is still a hard task to get there but if you don't have anybody rooting for you, it is almost an impossible task. So, I had all of those things, Madam, Speaker. But what I did not have was longevity at Maples and Calder because I had switched from another law firm.

The Speaker: Honourable Member, you have one hour remaining.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

When I assessed the opportunity to becoming an equity partner in a financial services firm who were clients of mine and who felt I was competent at the time, David Brooks helped me negotiate my partnership agreement. So, I have nothing but good things to say about that institution.

I have also gone on record, Madam Speaker, just last week, to publicly thank the Minister of Financial Services for giving me an opportunity at Walkers. He gave me a scholarship, not because I was Caymanian, but because, that year I came third in my law school class and I was on somebody's register. So, it was not anything about me walking up to the door and saying: *Hey, here is my Caymanian card, give me a scholarship.* I earned that scholarship. And I think I earned some respect when I was at that firm because of my work ethic and what I did while I was there. But at the same time, and I told this to the Minister at the time when he was one of two managing partners or the management committee at Walkers, some of my concerns and some of the concerns of those around me. When I thought that those concerns would not be fully addressed, and with other things, including some advice that I got from one of the people that I was sitting in a room with, who I also will say, Mr. Philip Millward gave me amazing advice and told me (I think at the time it was his fourth stop on his tour) and said, *Winston if you stay in the first place that you got trained, sometimes you get a reputation of being the person that everyone remembers turning over the water bottles and getting the coffee.* He taught me a lot about the realities and the politics of law firms. So, I am very grateful to a number of people and I am happy to give credit where credit is due and I think I have given enough to the Minister of Financial Services,

probably more than he has given to me, but I am forever grateful.

Madam Speaker, the reality is that there are deep seated cultural barriers to diversity in organisations. It is not about good or bad people, it is part of human nature to want to work with people like yourself; to hire people like yourself. We naturally come to the table with unconscious bias, meaning that we have a preference for things to stay the same because of what we have become accustomed to. Overcoming these biases requires awareness and organisational momentum and change. I encouraged the head of the Law Society in that same meeting to be the change he was talking about, because action is always better than words.

Madam Speaker, I want to again address some of these allegations that, all of a sudden these things are coming up and they have never been there before. No one has ever brought them out before, according to Cayman Finance. I want to go into Mr. Ian Paget-Brown, the then chairman of the Law Reform Commission in his address to the opening of the Grand Court on January 16th, 2013. And, Madam Speaker, maybe I should get a copy done for you. It is a public document.

The Speaker: Please do.

Mr. Winston C. Connolly, Jr.: It is on the website and I may be able to save the Serjeant a trip if you bear with me for two seconds.

[Short pause]

The Speaker: Honourable Member for George Town, I would actually like to take the luncheon break at this time and reconvene at 2 pm.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I am at your pleasure.

Proceedings suspended at 12:26 p.m.

Proceedings resumed at 2:33 p.m.

LEGAL PRACTITIONERS BILL, 2016

[Continuation of debate thereon]

The Speaker: Please be seated.
Proceedings are resumed.

I acknowledge the Fifth Elected Member for the District of George Town continuing his debate.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker. Can I confirm the time?

The Speaker: I am reliably informed by the Clerk that you have 54 minutes remaining.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

Madam Speaker, where I left off I was about to go into Mr. Ian Paget Brown QC's speech to the Grand Court at its opening on the 16th January, 2013, and I arranged to have a copy placed on your desk, Madam Speaker, so you have the same document now.

Madam Speaker, again, Cayman Finance said that this was the first time to their knowledge, even though they had a number of lawyers on their board, these things had been raised. Madam Speaker, I will talk about some of the comments in his address to show otherwise, but I am also going to talk about the things that he said, where we, the parliament nor the Government have really taken on board. And when I go through some of the letters which I will read to this honourable House, we will see that those situations still exist. So, if we are not the people who deal with it, who will?

Madam Speaker, on page 3 in the "**Role of the Legal Practitioners Law**", Mr. Paget-Brown, QC, said: "**In 2007 the [Law Reform] Commission was instructed to look into the issue of amending the Legal Practitioners Law to enable Practising Certificates to be issued to non-residents working in the law firms abroad.**"

He goes on to say: "**We were told that if the Law was not amended, Cayman firms would have to close their offices in foreign jurisdictions where they were employing people who did not hold Practising Certificates.**"

"**The Law Society and the Caymanian Bar Association, in their meetings with the Commission, represented that if we did not amend the Law to allow Overseas Practising Certificates the Island's financial industry would be severely impacted to its detriment.**"

"**Acting on those representations, the Commission prepared a report and submitted draft legislation to Cabinet. The view taken at that time was that if there were strict Rules of Professional Conduct that applied to both resident and non-resident attorneys the court should be able to regulate attorneys practicing overseas.**"

Madam Speaker, the sky was falling in 2007 as well. Subsequent governments did not or could not address the situation.

He goes on to say: "**At a Cabinet meeting attended by representatives of the Commission, the Law Society and Caymanian Bar Association, I was asked what impact I believed allowing non-residents to be admitted would have on the prospects of young Caymanians. I answered that they would be affected by any amendment to the Legal Practitioners Law that widen the class of people**"

who could become Caymanian attorneys because there would be less incentive for law firms to hire and train Caymanians to staff the foreign offices that would be needed to comply with the existing Law.”

Madam Speaker, again for the record, I support foreign offices that carry out these important functions for law firms but they do so now in contravention of the Law. And I think (and this is my personal opinion, not anything I am quoting from this paper) that a lot of this surrounded what was perceived to be a detriment to Caymanian attorneys and also the fees that were involved. And we have a chance to do that in this Bill but it has to be a balance, it has to be fair and there has to be some acceptance that this was in fact a breach of the current Law.

Madam Speaker, I am going to skip forward and address again, what Mr. Paget-Brown’s heading said, which reads, **“History of Legal profession”** on page 7, Madam Speaker, a bit more than half way down the page. He said: **“It seems to me that there is a perception amongst lawyers that they are the ones responsible for the success of the Cayman Islands. To that, I can only say that it was Cayman that made the lawyers successful, not the other way around.”**

He goes on to say, Madam Speaker, in the last paragraph on that page: **“Our loyalties were to Cayman first and the common good of the people of these Islands. We treated ourselves as guests and behaved accordingly; we felt honoured to be a part of Cayman’s success story.”**

Madam Speaker, continuing on page 8, he raised the topic of **“Discrimination”** and he started out by saying: **“But it appears that things have changed. It is evident that many in this community consider the social injustice experienced by some of their best and brightest compatriots even more troubling than the outsourcing issue. The Caymanian may well ask herself, what is, or was, the point of devoting years to educating herself, only to find that there are no real opportunities to pursue the career she has invested so much effort and made such personal sacrifices to prepare for. How can this situation be right when there are so many non-Caymanians practising Cayman Islands Law without being admitted as Cayman Islands attorneys?”**

“Thus, it follows that perhaps a very important objective of the new Law is to ensure that bright and ambitious Caymanians have legitimate opportunities to fully participate in the legal profession without having to compete with those practicing as Cayman Islands lawyers illegally.

“There is an urgent need for the profession to address law school scholarships, articles of clerkship, hiring opportunities, equitable distribution of billable work, marketing and networking exposure, attendance and contribution to confer-

ences, being mentored, mentoring and training others, continuing legal education, work experience overseas and preparation for and participation in leadership and ownership of offshore and local firms.”

Madam Speaker, this has to be done! That is the road map right there. Those are all the things that you would be looking for in an equity partner in a firm. We just don’t put our people through the paces in a systematic way. A lot of times it is luck of the draw. That should not be happening in 2017.

He says in the next paragraph: **“It is lamentable that the legal profession has made it necessary to consider some sort of affirmative action instead of creating reasonable opportunities for Caymanians to share in the prosperity that this jurisdiction has afforded so many expatriates over the last four decades.”**

Madam Speaker, at the bottom of page 8—and this is the part that we did not take notice of and did not address—**“There is a feeling among Caymanian lawyers that the major law firms:**

- a. are in the hands of people who don’t care about the Islands or where work is conducted;
- b. have no real interest in living or investing in these Islands;
- c. prefer that the business of the offshore industry be conducted elsewhere to avoid the immigration/work permit regime;
- d. have established a glass ceiling, operating to the detriment of Caymanian professionals;
- e. give Caymanian professionals inadequate and unequal training; there are unequal opportunities for Caymanian advancement within the firms; and a system has developed over the years that is designed to ensure that Caymanians fail;
- f. have created an environment to fear and victimization preventing, many Caymanian professionals from speaking publicly and in opposition of the firms; being a ‘team player’ is synonymous to Caymanians having to “rat” on Caymanians who want to see the profession become fair, transparent and accountable.

“Some contend that only foreign lawyers reap the economic benefits and successes from the offshore business and that when the firms get a chance, they outsource jobs suggesting that the firms have no loyalty to these Islands.

“The evidence shows that Caymanians are:

- deliberately being marginalised in the workplace;
- denied fair opportunities to advance;

- **have been instructed on occasions about how to vote at Caymanian Bar Association elections;**
- **told that to be a 'team player' they must allow the 'status quo' to continue uninterrupted;**
- **used as pawns to secure status grants and permanent residence and once the Caymanian has outlived his or her usefulness in securing those grants, they are unfairly or constructively dismissed;**

"There are allegations that firms may have been guilty of:

- **filing misleading affidavits; qualifications; residence; experience; character with the Court;**
- **misleading the Trade and Business Board as to Caymanian participation and efforts to secure it;**
- **failing to report Caymanian applicants;**
- **misleading the authorities as to the nature of experience and qualifications as to both expatriate and local applicants;**
- **publishing misleading advertisements to seek to avoid attracting qualified local applicants;**
- **giving misleading description of the positions held by Caymanians and Expatriates for regulatory advantage;**
- **concealing remuneration for regulatory advantage;**
- **failing to make applications for promotion/re-designation and disingenuous about the nature and extent of training;**
- **taking on articulated clerks but then not offering employment opportunities; and**
- **in-house training programmes that are not offered to Caymanian."**

Madam Speaker, this is someone who is a QC (Queens Counsel] and 42 years standing in this country as a lawyer. Madam Speaker, no one responded to that in earnest. When we hear these types of allegations that I have just read and no one at least says the persons who is bringing them is totally wrong, no one says these are things that we need to look into to see if they are right and we just ignore them, Madam Speaker, that is why we are standing here today talking about these issues because people either put their heads in the sand and ignore them or they did not come out and say they

were hog washed. Either way, Madam Speaker, we needed to ask the question. If someone makes these types of allegations in such an auspicious setting, we need to take note and either accept and act on them or get out behind it and say they are totally false, nothing happened!

Madam Speaker, in September 2015 when we were doing a research through speaking to Caymanians, people would not come forward, at least not to put their names down.

Madam Speaker, I have given my copies to get copies for the entire House because like I said before when I started, I wanted that, so I am just borrowing a letter from one of my colleagues.

Madam Speaker, I think this next letter that I am about to read, and which, again, I have asked for copies for everyone. And I know that the Honourable Premier was copied in on this, as it was forwarded to both of us at the same time. But this shows, and maybe it was appropriate that this debate started yesterday on International Women's Day. Maybe it is because these people are mothers of Caymanian children but it is the women who have led the way in putting their names behind the letters and saying, *You know what? I am a Caymanian and I need to be heard in my own country.* Madam Speaker, this brave young lady is stepping forward and she probably knows what this means, but it shows to me that people are now willing to step forward and to speak their minds in their own country.

The Speaker: Honourable Member for George Town, have you obtained consent from the said person to disclose her name?

Mr. Winston C. Connolly, Jr.: I have, Madam Speaker.

Madam Speaker, the letter is actually addressed to "Honourable Alden McLaughlin, Premier" and it is entitled "The Legal Practitioners Bill" and it states: "The level of misrepresentation in the public discussion regarding the Legal Practitioners Bill has risen to such a level that I feel it appropriate to share my experience as a Caymanian attorney with you.

"It is fundamentally wrong to suggest that Caymanian attorneys do not have issues with the terms of the LPB or with current conduct of certain law firms. The reality is that most of Caymanian attorneys are the principal bread winner in their family and therefore in the current absence of proper regulation and absence of properly competitive employment market for Caymanian attorneys are effectively beholden to the firms they work for and do not speak out because they feel that their career prospects would be prejudiced by doing so. This is a vicious cycle because the principal issue that Caymanian attorneys encounter is restricted or an equal career progression.

"I was someone who used to think of other Caymanian attorneys who raised the objection as

complainers or people who were not working hard enough. That was until I experienced such issues personally.

"I graduated from the Cayman Islands Law School in 2003, having graduated from Loyola University in 1997 after studying Economics. I undertook my PPC at the Cayman Islands Law School receiving the University of Belfast Ireland Practising Certificate, Cayman Islands Law, after which I completed my articles with Ogier [Law Firm]. I was admitted as an attorney in the Cayman Islands in 2005. I stayed with Ogier after being admitted as an Attorney until I moved to Maples and Calder in January 2008.

"As of January this year I had twelve years post qualifying experience and I had been with Maples for nine years. I worked as an associate in the Cayman Funds Group. I worked in key client relationships and consistently met the high financial targets set, save in respect of 2013 and 2014 when I had been absent on maternity leave and subsequently had to rebuild my practice which had been reallocated among other partners and associates during my absence.

"In January 2015, five foreign attorneys were promoted to partner in the Cayman Funds Group. These included people with nine and fewer years PQE, only a portion of which would have been in a practise of Cayman Islands Law, and as little as two and a half years' time with the firm. I applied for partnership effective January 2016 at which time I would have been 11 years PQE [Post Qualification Experience]. (And, Madam Speaker, I am going to use the PQE from hereon) and would have been with Maples for eight years. I was told that it was felt that the financial performance of the Cayman Funds Group did not warrant additional partners at that time. I appeared quiet in my progression application interview and I would benefit from an additional year with an equivalent track record under my belt. I felt this was unfair after the commitment I had shown the firm, particularly so given the large number of foreign attorneys promoted to partner the year before. But took them at their word and worked towards my partnership application for January 2017.

"It is worth noting that the process at Maples requires that you be invited to apply for partnership. This is effectively a pre-qualification, as stated and proposed by your partners, that, in their opinion, you satisfy the requirements of the position and should be made a partner. I was proposed on both occasions by Jon Fowler, Global Head of Funds and Nicholas Butcher and Jonathan Green, the respective Cayman Heads of Funds at the time of each of my applications. I also received positive comments in respect of my application for partnership from other partners I had worked directly with, including Paul Govier], Head of the London Office who I had worked with on matters for a number of years, including a period in the London Office and Tim Frawley. These are the part-

ners I had worked most closely with and who were there for best practice to assess the quality of my work and contributions to the firm.

"In December last year I was advised that my pay for the forth coming year would not be increased because I was at the top of the salary ban for associates and the bonus I would be receiving was also not to be increased from the prior year. The last salary increase I received was in January 2014, so this would have been my third year without a salary increase despite the rate which the firm charges clients for the work undertaken by me, having increased over this period. I responded to the effect that this reaffirmed my view that I should have been progressed from associate to partner previously and that all things considered, I would not be minded to stay with the firm on such terms. But I regarded it as not directly relevant because my anticipation was that my partnership application would be considered favourably.

"In January this year, however, I was advised that for a second year my partnership application had not been approved. I was advised by John Fowler and Jonathan Green that this was due to macro issues. They specifically stated that it was not due to any failure on my part. They did, however, volunteer comment, that my statement that I did not intend to stay with the firm if I was not progressed, which I had stated, was because I would view my failure to progress this year with a higher PQE and longer service with the firm than foreign lawyers who had been previously made partners, as an indication that Maples is not somewhere where I would progress, as a threat, and that it had not assisted them in getting the approval of 18 of the 24 equity partners globally that was required for the application to be approved, none of which equity partners were Caymanian who qualified locally, as such term is used in the draft Legal Practitioners Bill and none of whom were women.

"After years of thinking of Caymanian attorneys who raised objection as complainers or people that were not working hard enough, I realised that the rules were not fairly applied. So, I resigned from Maples and I am currently serving out my notice period. After submitting my resignation, Jonathan Green advised me that he was very disappointed and offered me a few weeks during which I could reconsider, leaving aside the patronizing aspects of his comments and the fact this was offered in addition to me having been invited to apply for partnership on two occasions supports the fact that my contribution was equal to the foreign attorneys in the firm. I believe the circumstances outlined also evidenced that Maples does not have regard to its obligations under the Immigration Law, saved perhaps for filling out submissions in a manner that make them look compliant. The macro issue I was principally dealing with is that Maples in advancing foreign numerous attorneys in the years prior was not having regard to the effect that such promotion and re-designation would have on the op-

portunity for advancement to the level of qualified Caymanians already engaged in the same profession as required by section 51B of the Immigration Law.

"I understand that since my resignation, work undertaken by me has been redirected to one of the work permit holders who were made a partner in 2015. This reflects that the work I had been dealing with was partner level. But as opposed to the work of a Caymanian attorney being consolidated into the practice of an underutilised salary partner on a work permit, the intention of the Immigration Law is surely the reverse. And, given on two occasions, I had been pre-qualified to make application for partnership and had made such applications.

"I question that when it comes to renewing the work permits of such persons, whether Maples properly complies with the terms of section 44(5) of the Immigration Law which provides that: **'A person who, when making an application under section 42 to the Board or to the Chief Immigration Officer wilfully- (a) withholds information that a Caymanian, the spouse of a Caymanian or the holder of a Residency and Employment Rights Certificate has applied for the position for which a work permit is sought; or (b) provides inaccurate or incomplete information with respect to paragraph (a) in an attempt to deceive the Board or the Chief Immigration Officer, either by act or omission, commits an offence and is liable on summary conviction in respect of the first offence a fine of twenty thousand dollars and to imprisonment for one year and in respect to the second or subsequent offence, to a fine of thirty thousand dollars and imprisonment for two years.'**

"In addition, section 4(1) of the Immigration Regulations requires that: **'... an employer or perspective employer should use his best endeavours to ascertain whether or not there is a Caymanian or a person legally and ordinarily resident in the Islands, ready, willing and able to undertake the job in question before making an application for the grant or renewal of a work permit in respect of a worker or perspective worker whose gainful occupation in the job is sought to be authorised by the work permit.'**

"Schedule 3 subsection (3) of the Immigration Regulations provides that: **'The Business Staffing Plan submitted for the purposes of paragraph 2 shall contain the following information concerning the business – (e) in respect of posts held by work permit holders other than permanent residents, the likelihood of such posts being filled by Caymanians or permanent residents and the anticipated length of times, in respect of each post before that happens.'**

"Maples appear to consider its partner appointments to operate outside the scope of the Immigration Law. This view is supported by the text of a draft commitment that Alasdair Robertson in his ca-

capacity as President of the Law Society proposed to be given by law firms earlier in the process of seeking support for the Legal Practitioners Bill which provided that every responsible firm would ensure that the minimum criteria which needed to be met by an attorney for progression to partnership and the timescale associated with such progression are applied equally to all attorneys-at-law in the relevant jurisdiction and practise area and are communication to all Caymanian attorneys employed by the responsible firm with objective that Caymanians in any jurisdiction and practise area can be reasonably satisfied that they are competing on a level playing field with their non-Caymanian peers.

"Aside from the fact that my own experience did not accord with this, the draft notably failed to recognise that suitably qualified Caymanians should be preferred over work permit holders in the Cayman Islands, in addition to which it continued. It must be stressed with avoidance of doubt that the nature of partnership means that the judgement and decision as to whom to appoint as a salaried or equity partner must remain with the relevant firm in accordance with its constitutive document and procedures. The fact that Alasdair Robertson would see fit to put forward a draft commitment that provided that the appointment of partners by law firms, which in the case of Maples largely comprises salary partners who are employees with the job title 'Partner' operates outside the terms of the Immigration Law tends to support the assertion that this is the manner in which they have habitually operated.

"I have no confidence in the provisions contained in the Legal Practitioners Bill regarding the progression of Caymanians when the President of the Cayman Islands Law Society proposing them also happens to be the Global Managing Partner of a firm acting in this manner at the same time. Should they not be seen to lead by example? That is particularly so when under the current draft Legal Practitioners Bill, by being able to direct the votes of the large number of lawyers with the firm, Maples and others that are light-minded, would have almost certainly control the composition of the Council that is intended to supervise such matters in the same manner as they currently do with the Cayman Islands Law Society and the Caymanian Bar Association.

"The Cayman Islands Law Society and Cayman Finance have sought to cast the independent MLAs as causing unreasonable and harmful disruption. The alternative perspective is that firms such as Maples are ignoring their existing legal obligations and have put forward draft legislation that is so unbalanced that people with a proper understanding of these matters feel it necessary to raise issue. This alternative perspective has been recognised previously, including by Ian-Paget Brown, Chairman of the Law Reform Commission as long ago as January 2013, which he stated 'It is lamentable that the legal profes-

sion has made it necessary to consider some form of affirmative action instead of creating reasonable opportunities for Caymanians to share in the prosperity that this jurisdiction has afforded so many expatriates over the last four decades.'

"The people who have sought to bring attention to current practices and issues with the draft Legal Practitioners Bill should not be blamed for doing so. The issues they raise should be addressed and it is of concern that Government has been supporting the draft Legal Practitioners Bill in its current form with apparent greater concern to the discreet interest of large multi-jurisdictional offshore law firms than the interest of Caymanian attorneys.

"Yours sincerely,
"Anna Gouboult—

"c.c. Honourable Anthony Smellie, Chief Justice; Honourable Samuel Bulgin, Attorney General; Winston Connolly, MLA." [UNVERIFIED QUOTES]

The Speaker: Member, you have 21 minutes remaining.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: I have been reliably informed, Madam Speaker, that the Honourable Chief Justice has already responded to that letter.

Mr. V. Arden McLean, Member for East End: Wow! The motion is necessary. Let's get it going now.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I could stay here for about two days but I think that letter of that brave young woman . . . because let me tell you in this honourable House, she has just marked herself for career suicide. But it shows that Caymanians have had enough! This has been going on far too long and we as leaders need to address it. We need to address it here and now!

Madam Speaker, you are a former lawyer yourself. No doubt, some of these issues are not new to you but they are also not new to any of the lawyers in this room and many of the politicians in this room, because people have been coming to them over the years, over decades saying a lot of the same things. It is time we put on the role that we were elected to do and to have some serious conversations with the legal fraternity. No longer can we accept our people being blackballed for speaking out. No longer can we accept Caymanians not getting fair and equitable training and advancement opportunities. The time is now, Madam Speaker; not tomorrow, not after the next campaign. The time is now to show this country who its leaders are and what we were elected to do. We do not have to let the sky fall but we have to have those serious

conversations and there has to be a compromise conversation.

Madam Speaker, I won't get into the technical aspects of this Bill until Committee stage but there will be significant amendments proposed to this Bill. And, Madam Speaker, we went out to industry after we had heard that the majority of the Caymanian Bar Association members supported this Bill. We did our own surveys, we spoke to people who came forward and helped to look over this Bill because I am the only lawyer on this side of the pond. They were forthcoming, they were very adamant in one thing; this is not a balanced bill and if the Government brings this, they are going to have to answer to those people up there, those people outside.

Madam Speaker, bear with me one minute.

[Short pause]

Mr. Winston C. Connolly, Jr.: Madam Speaker, in a theme and I am not going to read this one in its totality but you will get the gist. Again, another brave young Caymanian (and I am assuming young) attorney wrote to the Honourable Chief Justice on the 17th February this year and the person wanted to bring attention to certain matters relating to the Bill: Issue 1)The exemption from the Local Companies Control Law (LCCL). Section 71 of the Bill seeks to introduce that: "**The Local Companies Law does not apply to a law company.**"

That lawyer said: "**My concern with respect to this issue derives from my understanding that law firms in Cayman take predominantly one of two forms: a partnership or a company (incorporated practice).**"

He goes on (or the person, I don't know if it is a he or she. Sorry for being gender specific to a "he") talking about the rationale and I won't go into all of the details.

Number 2) was the foreign practise certificates, and, Madam Speaker, this is part of the parcel that I am giving everybody in the House, even though this was circulated to all Members of the House as well. But I will say that this person was not as confident as the writer of the last one because we have a redacted letter, so they did not use their name. But what was important was that there was a response from the Lord Chief Justice to say that this should be raised in parliament. And there were important matters in this letter.

Madam Speaker, I also want to use my remaining time to publicly acknowledge someone who I did not know before this process, who immediately stood up and spoke out about this Bill. I think that when history is recorded, that young woman, again, should be recognised as that first brave soul that came forward and penned her name notwithstanding whatever consequences would come thereafter. And maybe again it is because that person is a mother of

Caymanian children. But she went through carefully and meticulously and represented her strong views on this draft Bill and when I read that letter . . . because I was really contemplating what role I would have in these discussions as I have always said, Madam Speaker, that I wanted to go back to my family at some point in time and I would not be here for the long-haul (so to speak) but while I am here I am going to represent my people the best way I know how. I said in the past publicly that no matter where the role as a politician took me after two terms, I was going back to help raise my children that my wife has unfortunately become almost a widow in terms of time, and to be back with my family. So, Madam Speaker, with that in mind, I know at some point in time I want to go back to also having a job. And, Madam Speaker, I was wondering how forceful I would be, in that when I represent my true emotions or would I kind of temper them and really not show my continued abhorrence of what I consider discrimination and inequity of opportunity.

Madam Speaker, this brave young lady wrote a letter and she stood up at a meeting prepared to be the coronation of this Bill because it was supposed to be coming to the House the very next day. And her voice shook and she spoke out passionately, eloquently and sounded like she was a lot older than the person I ended up meeting afterwards. Her name is Ms. Celina Tibbetts. She should be recognised as the first person brave enough in this whole ordeal who did not have the obligation that I have in this honourable House, to stand up and talk freely. She copied that letter to every single Member of this honourable House, Madam Speaker.

The Speaker: You have 11 minutes remaining.

Mr. Winston C. Connolly, Jr.: Thank you.

Madam Speaker, I think that these things are serious enough that people who have, in the past, been reticent to put their names to their names to their concerns and their fears and everything else, that if they did that in their role in the profession that they are in, knowing what the ramifications are, at the very least we can do, is take notice and address them in this honourable House and really look to see whether or not we can put in reasonable sections of this Law to get it to the CFATF [Caribbean Financial Action Task Force] standard, but take the time that we did not do before that, to really sit and go through this Bill and ask ourselves two questions: Is it good for Caymanians? Is it good for the Cayman Islands? In that order and I bet you, Madam Speaker, if we took the time, some of us would change our minds.

Madam Speaker, I could go on, I could actually also speak about the Caymanian Bar Association. When I look at emails from that Association to me in the past, when I look at memos going to the Immigration Board (and again, Madam Speaker, that is in the

package. I don't know where it is. I asked for it by 2:30 but it will show up and other persons can take it forward) and to have them be silent at this stage, right at the moment that this Bill is supposed to be in, and not raise the same issues about the concerns of immigration et cetera again, and they did so as late as in July 2015, I think there is a travesty there. They are not carrying out their mandate and I can understand some of the reasons why, but it also then shows that the composition that exist right now has failed Caymanian attorneys and it needs to be looked at and corrected. That is the body that is supposed to be representing Caymanian lawyer interest. It is not! And if we allow that to continue with the status quo and reward bad behaviour, then, we are complicit in this whole thing, Madam Speaker.

We need to take a critical look at where our people are at, why they are there, ensure that they have equality of opportunity, and if they are deemed competent, if they are deemed able and capable, we follow the letter and intent of the Immigration Law in its entirety; not seek to take out bits and put it in and talk about equitable progression. If you are a Caymanian lawyer in the Cayman Islands and you have done everything asked of you, you should be preferred. The fact that you are not getting to equity shows something is wrong in the ladder that you are climbing. So, either it is the education or it is the training and exposure or it is something. If the accountants can do it, we surely can do the same.

Madam Speaker, I do wish I had more time.

The Speaker: You have six minutes remaining.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

I am going to now speak to the Caymanian attorneys in the last remaining six minutes that I have. To all of those brave souls—and I am going to ensure that my promise to you is kept; those letters will be read in this House. I have run out of time but I am passing them on to my colleagues because someone is going to hear your story, not the fluffed up—

The Speaker: Member, please keep your comments through the Chair. I know the temptation is great but—

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker. It is just that some of the lawyers were in the room but I understand and will comply, Madam Speaker. So, I apologise for that.

Madam Speaker, the amount of attorneys that wrote to me anonymously shows that there is a culture of fear that exists that we need to tackle head-on in this honourable House. The fact that people have also, this time around, penned their names and have allowed us to use their names is also powerful. It shows that Caymanians who are normally very passive, aggressive people have had enough. We know

what right and wrong is and right has to win-out, Madam Speaker. And anyone in this House who choose to ignore its people, they pay the price in the end.

Thank you, Madam Speaker.

[Pounding on desks]

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Thank you very much, Madam Speaker.

Madam Speaker, this very important Bill has been pushed to the front today and it is a pity somehow that we could not debate the Bill and the Motion that has been tabled and given rise because of the Legal Practitioners Bill. It is causing serious concern all around and no one need believe that there is not debate in the homes of the Cayman Islands about this matter. It is causing serious concern all around for various reasons. There are concerns from professional Caymanians coming to me.

Madam Speaker, I do not support the Bill. The fact that there are 136 amendments by Members on this side and more to come, and I understand 60-odd from the Government, I must say that that gives me much more reason not to support the Bill. Here we are, Madam Speaker, (and I know what they will probably say when I sit) on the eleventh hour before this House is prorogued or dissolved, and we think that we will get it right. We have to have that confidence in ourselves, but, Madam Speaker, we know that we will not get it right.

There are some areas that should be acted upon, the implementation of the Code of Conduct, for instance. If there is need because of FATCA [Foreign Account Tax Compliance Act] of the area the Minister spoke about, then, let's do so, although, Madam Speaker, I think we have sufficient regulation all over this country in all laws in place already that should sufficiently satisfy FATCA if there is reasonableness by them. I hope I am not misreading or misunderstanding what the Minister said, but that is what I thought he said; that there were some provisions here that had to satisfy FATCA?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Which one then?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: What?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Oh yeah. All of them are the same thing.

[Laughter]

Hon. W. McKeever Bush, Leader of the Opposition:

All of them are over-regulating our country to the extent that we can't do anything much. And I have said so many, many years ago. I said so in Ottawa and I said so when the OECD [Organisation for Economic Co-operation and Development] met here. They are not complying themselves but are fast giving us regulation piled upon nearly every Law that we have, to keep us much more and much less uncompetitive.

Madam Speaker, I would rather have had the opportunity to sit with the Minister leading or whoever the spokesperson is for the draft of the Bill, go through the problems of the industry and the added problems of the removal of the proverbial glass ceiling which is a huge complaint. We then could have called in the people affected and thereby come up with a solution to what is causing the problems the industry is facing and our people need and want to be addressed. So, Madam Speaker, as I have tried to be with this matter, I will balance. There is the owner, there are our people who are affected today and those of the future, and there is international business that we must be careful not to chase away. These are my considerations.

The financial industry which is dependent on a robust and efficient legal system is responsible for producing just, I guess, well over 50 per cent. Some people say 53, some people say 49 but it is a big part of Cayman's Gross Domestic Product (GDP) and employs numerous Caymanians directly and many more indirectly. There is agreement in the industry that the present Legal Practitioners Law and Regulations need to be brought up into the Twenty-first Century and the Bill makes an effort so to do. However, there are provisions in the Bill which seem to have not been considered sufficiently and are likely to significantly impact the provision of legal services in the Cayman Islands and have adverse effects on the economy and the employment of people here. These provisions should be revised and, as I said, I do not know what the amendments are.

I understand that there are 60-odd from the Government. Maybe those will get passed and the 136 from this side and more may not. I do not know who relish sitting at this late stage to try to think through with the only knowledge that we have is what is going to come from the Government Bench and some from this side who are legal people. But I would say that I would rather have that Bill in the committee room and sit with people, and not just lawyers, because this Bill and the Motion is going to affect across the board, eh? That is what is going to happen. And I would have rather done that, rather than have to sit in formal committee, to do what? To listen to the people

that have brought the Bill and to work from my understanding and what others have told me rather than (I repeat) to have sat in the committee room and brought people in. And then, once that was done we would come out here and we would have had our say the same way, and all the input that we had in the committee [room] would have been addressed out here. I would rather have seen that.

Madam Speaker, the provision that requires attorneys who are coming to work in the Cayman Islands to undergo a period of apprenticeship, which I don't know if it can work, have to pass some type of exam. I think it is going to be expensive for all. And anyone need not think that any cost incurred by law firms is not going to be passed on. It is going to be passed on. And so, Madam Speaker, the majority of this House might feel that that is necessary but not me. There are provisions in the Bill which relate to the temporary admission of attorneys for specialised cases. And we need to ensure that there is a knowledge transfer to our local advocates, Madam Speaker, and that should be accepted by law firms. We know that our legal industry and the financial industry, because of the various types of business we conduct, are heavily dependent upon highly experienced and qualified attorneys who specialise in various areas of law to represent clients in our courts and so on. And it is proven to be beneficial to Cayman and the legal profession over many, many years. But these provisions need further clarification, as far as I am concerned.

I know there are provisions in the law which seriously impact on the ability of firms to have offices outside of Cayman. Cayman is an international financial centre and nearly all of the business which the financial industry derives is generated from a global industrial side of Cayman. The limitation of the ability of firms to operate in the areas in markets which can and do generate business for the financial industry would be a very negative development and will affect Cayman significantly going into the future; that is my opinion too. Other players in the industry though, for example, the United Kingdom and the United States have significant presence in financial centres such as Hong Kong, London, New York, Paris, Beijing and so on, and, of course, other international financial centres that compete for the same business in Cayman, do not impose limitations like that, as far as I understand.

Madam Speaker, we are sensible enough to find a way to help our people, our young lawyers get business without going some of the routes that I see; routes that we do not know what is going to be the reaction of the industry which we as lawmakers do not now and probably will not ever control. Madam Speaker, some of the things going on and some of the actions that are wanted to be taken, were taken by a country that caused Cayman in the late 1960s to pass our first Trust Laws. That country is still reeling from the flight of capital and business back then in the 70s, and so, we do need not believe that we cannot be so

impacted. And some of the expectations that I see on the blogs and social media, I have to wonder if they ever stop and thought for a while. I said many, many times and I keep saying, Cayman is not the only girl at the ball. And we need not believe that we cannot be negatively impacted by some other frustration and the belief that we are not accountable to the people that we expect to get business from. That is not so. We are. And I don't need to be told by anybody that if I can't have it then nobody else can have it, because that is not so; at least not in my books.

There are provisions which crossover and seek to legislate matters which are provided for under the Immigration Law, for instance—section 76 of the Bill. Also section 62(3) of the Bill appears to me to be unconstitutional. In its present format it seeks to incorporate certain parts of the proposed Law in such a manner that the Legislature, the Assembly's legislative power is limited, and I think that is unconstitutional. For example, the section provides that unless a contrary intention appears, the section applies despite any provision to the contrary in any other legislation, whether enacted before, or under this section, comes into force. And our system, Madam Speaker, parliament cannot pass a law which a future parliament is unable to change; never heard of it. So, Madam Speaker, the regulatory regime under the Bill and the cost of the same, most of which do not belong, as far as I am concerned, in a Legal Practitioners Law would make it virtually impossible for Caymanians who qualify as attorneys to set up their own firms. It needs much more thought.

I know the Minister. I see him smirching out there. Huh?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition:

If you are talking to me, talk so I can hear you. And I don't read lips. If you have something to add to my thought process, then do so, please.

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition:

No, I know that. I know you will wait until I sit, right?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition:

No, no. Okay.

Madam Speaker, I am not talking to him, I am talking to you.

I'm told, Madam Speaker, that whilst lip service is paid to issues of concern to all Caymanians, the firms they represent have done precious little to ensure a diversity of some kind of partnership in those enterprises. And while this remains the positions since the law regulating the practice was passed in 1967,

certainly defies some rational explanation. But certainly that is the way young Caymanians lawyers feel. And we have just heard the matter being read by the last speaker from a person who was so affected. But I can tell you that something is radically wrong when numbers of people come to my yard, dressed in cap and a hat and a coat and I see them coming through my gate and I don't know them, but they are doing so because they do not want anybody else to identify them through coming to my yard to talk to me about this matter and the Motion, and there are concerns on all fronts about the two. Something has to be wrong and I cannot help but to feel that why in the world in a Cayman as free as we say we are, that people have to be so afraid, but it is. Over the past several weeks, in fact, not so much when the Bill was first talked about, but since the presence of all of these articles in the paper, because they know the frustration. We in this House we know frustration from what we have to put up with. Well, they work in industry and they feel it. Now, are all of them right with all of the complaints, because you know that once one starts, there are all sorts of things being brought to fore. I don't know, I don't work in the industry but I have to be enlightened by those who do, and they say that the problems exist.

Madam Speaker, from the perspective of the general public, why does any of this matter? Because the public policy objective of the original Law and the establishment of what is now the Truman Bodden Law School of the Cayman Islands, namely the creation of a local cadre of experts across all disciplines of the Law have been continuously frustrated by the failure of some of the larger law firms to ensure that qualified Caymanians have the opportunity to progress to having a partnership stake in those firms.

They feel, Madam Speaker, that outsourcing has a negative impact on them. That is what I am told. In the currency of the debate over the Bill, the larger firms have failed to take up the opportunity of electing qualified attorneys to full partnership positions and those lawyers feel in some cases these eligible Caymanians have been bypassed for promotion by individuals who have less experience. They say, Madam Speaker, that there are well documented instances of discrimination and abuse. That is what they say goes on in this country. And that is why when they come to my yard they are dressed up like a junkanoo. And as recently as 2016, Madam Speaker, a lawyer on work permit felt able to advise in correspondence an experienced Caymanian attorney to refrain from utilising Pidgin English in a letter. And, Madam Speaker, lest it be thought that I am going overboard that this incident did not happen and they feel it is not happening, well, the expatriate lawyer was dismissed following that disturbing incident which was reported to the Honourable Chief Justice and the Honourable Attorney General. He was dismissed.

These abuses and discriminations have been somewhat documented publicly also by the Queens Counsel who was mentioned by the last speaker, the Fifth Member for George Town, and not a single law firm—and when I read it and waited to see what was going to be said by the larger firms—has ever contradicted or challenged his findings on those issues since he presented his report to the Grand Court in 2013—nobody. In my thinking, Madam Speaker, there is also no public policy justification for law firms to be absolved from Caymanian part ownership requirements where they are capable and willing to work. Accountancy practices with world class Caymanian Partners, Madam Speaker, do not appear to have a problem with the desired approach. So, perhaps someone can explain to me, why should law firms? Embarking, I think, on this course is not tantamount to nationalisation as the Minister has said of law firms. While these law firms are privately owned, Madam Speaker, giving appropriate promotion cannot be counted as—

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Madam Speaker.

The Speaker: Honourable Minister of Financial Services.

POINT OF ORDER

Hon. G. Wayne Panton: On a point of order, Madam Speaker.

The Speaker: Please state your point of order.

Hon. G. Wayne Panton: The Member is indicating I have said that applying LLC provisions to law firms was a nationalisation. I did not say that, Madam Speaker.

Hon. W. McKeeva Bush, Leader of the Opposition: What did you say? Maybe you can say it and I will pull it back.

Hon. G. Wayne Panton: Madam Speaker, I have been referring . . . all I have said publicly is that my perspective is that I want to see the legal industry Caymanianised as opposed to nationalised.

Hon. W. McKeeva Bush, Leader of the Opposition: That is good enough for me, Madam Speaker.

You may be a lawyer but you can't dig that hole so small that I can't see through some of it, you know? It had the same meaning as far as I am concerned. He might not . . . he might have said it in a way. I don't know if you want to take it out of the *Hansard* or whatever, Madam Speaker, the fact is, just what he said meant the same thing to me to be.

The Speaker: Honourable Leader of the Opposition, I think he was trying to make a distinction between nationalism and Caymanisation.

Hon. W. McKeever Bush, Leader of the Opposition: Nah, nah, nah, nah.

The Speaker: I am just saying what the Minister stated. Obviously, I can't interpret your perception of it but as a matter of fact he is saying that he was referring to the Caymanisation rather than the nationalisation, so if you could use that word, and if you are not going to use that, then say it is 'your opinion'.

Hon. W. McKeever Bush, Leader of the Opposition: Well, Madam Speaker, I have to agree with you; it is my opinion.

Madam Speaker, as I said, nothing here is being nationalised because I believe in sensible nationalisation but I do not want to practice anything else, not in Cayman's economy. But if that was so, then the result, the accountancy firms are equally nationalised without any discernible negative consequences because they are Caymanised. I think, Madam Speaker, everyone who wishes to be admitted to practise Cayman Islands Law should be subject to the same licensing regime required of locally qualified attorneys.

Madam Speaker, the present policy means that some law firms often resort to employing junior overseas attorneys with no experience of Cayman Islands Law. And I am told that the practice is the proven detriment of junior Cayman qualified attorneys who services become redundant when an expatriate attorney is employed locally.

Just recently, Madam Speaker, this month I believe, a local young man was given his articles but when he completed them they would not give him a job. The law firm that gave him the articles would not give him a job. Yet, the same law firm got permits for three inexperienced foreign lawyers, so that means that the three lawyers do not have any more than three years' experience and should be considered very junior. And, Madam Speaker, that seems to be happening or has happened far too much. These are some of the reasons that I can't support the Bill.

So, these public policy problems, though not exhaustive, Madam Speaker, should be sufficient for all legislators regardless of party affiliation, group independent, whatever they want to call themselves when they are ready. I belong to a party. It should cause us all though, to pause and reflect, at least I do, that indeed it must require each and every legislator to demand detailed explanations from the Law Society and the Cayman Bar Association. We should not be beguiled by advertising which seemingly asserts the Bill is needed so as to modernise the practise of Cayman Islands Law.

As demonstrated, Madam Speaker, the problems of practise are systematically larger than the assertions put forward that they painted up or varnished or assertions put forward by the organisations. Furthermore, Madam Speaker, when these organisations truly reflect the views of the local Caymanian attorneys, it is very much open to doubt, given the number of, as I said, private complaints to me. Madam Speaker, at the end of the day if the desire to modernise is genuine, the larger law firms do not need a law to do the right thing by qualified willing and able Caymanian attorneys. These law firms, without any legislation, have long possessed the power to invite their Caymanian colleagues to the front of the bus. Caymanian colleagues, who work hard and produce for the firm, ought to be given the push to the front of the bus and be partners of some kind. Everybody can't be a partner, I don't believe, but obviously, there is much, much to be desired for those who work hard. Because, Madam Speaker, even as we here, want to see our people get ahead in a law firm in Cayman competing with international firms in every country we try to get business from, our lawyers, Caymanians and expatriates must be able to produce because mediocrity cannot cut it. And given the failure, as I knew of a few days ago, even to the extent of taking that young man on, what assurance can legislators gain, that by passing the Bill, things will change? If these firms are so desperate to modernise, they each could, at the stroke of a pen, Madam Speaker, rid themselves of the ancient practice of maintaining this impenetrable glass ceiling that exist.

Certainly, the time has now come for legislators, conscious of our duty to the public and to future generations, to require that each and every publicised grievance is addressed before any further consideration is given to the Bill is my position. Certainly, I don't consider these advertorials in the press or letters that say they are written voluntarily by article clerks proclaiming support of the Bill—uh-uh. Too many come to me to say that that is not so. These steps, as far as I am concerned is but a cynical ploy to gloss over the inherent defects of the Bill and the concerted effort by proponents to cement the current status quo, which, from what is being told to us, is discriminatory and even abusive.

I would hope, Madam Speaker, that the accusation about being abused are people who perhaps . . . I just got to the point of saying that, that they are abused and it is abusive. But certainly, from the people who come to me, it is discriminatory. And if we take a stand now, the sky will not fall in. Madam Speaker, I think we have that duty to stand. And I know what some people have said. I had one on Facebook telling me the other day all sorts of things, making all sorts of accusations. He said he is a lawyer too. I don't think he is stable though.

Madam Speaker, I really do not support the idea that we bring a Bill and there are already 136

amendments from this side and more to come and 60-odd from the Government. I don't consider that that is the way to proceed at this hour. There is no good to say we must do it at this stage and do damage that we do not envision and three months down the road damage is already done to the industry and to more lives.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Can't happen. They can't tie anybody's hands. No legislation can do that.

Madam Speaker, for all of these reasons the Bill is opposed.

The Speaker: Does any other Member wish to speak? Does any other Member wish to speak?

I recognise the Fourth Elected Member for the District of Bodden Town.

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Thank you, Madam Speaker.

Madam Speaker, I also am rising to contribute to the debate on a Bill for a law to repeal and replace the Legal Practitioners Law.

[Inaudible interjections]

Mr. Alva H. Suckoo, Jr.: Sorry, Madam Speaker, I am just trying to get organised.

Mr. V. Arden McLean, Elected Member for East End: Madam Speaker, if I may?

The Speaker: Honourable Member for East End, do you have a point of order?

Mr. V. Arden McLean: No, Madam Speaker, there is a gentleman walking around in the seating upstairs and I don't know why, because there must be some decorum. One must sit in a chair when they arrive in the Gallery. Could we please find out why he is walking around?

The Speaker: Serjeant, you heard the request. Please investigate and report back.

Hon. W. McKeeva Bush, Leader of the Opposition: You thinking he is one of them watching you and—

[Laughter]

Mr. V. Arden McLean: That I am not worried about but, Madam Speaker, the gentleman has been in here quite a few days and he is just walking around. I don't know why that is.

The Speaker: The Serjeant will check and report back.

Fourth Elected Member for Bodden Town, please continue.

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

Madam Speaker, I can feel with the Member for East End because these days we have been a little bit on edge for reasons reported previously in this honourable House. I think that is a good place to start, Madam Speaker.

[Inaudible interjections]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I know there has been a lot of discussion locally of the statement I read last week in this honourable House about concerns that Members of the Independent Opposition were being followed and so forth. I think those issues have been well ventilated in the press and other places. And, Madam Speaker, I would like to begin by reading a text message that we received but I have omitted any local names, but the request has come to me to provide some further details and I will only go as far as I think is permissible, as I know the police are still investigating. But, Madam Speaker, a Member of the Independent Opposition received this text last week, which says: "Lawson Consultancy employed by—(blank and blank—I have omitted the names). They are declaring all-out war against Winston and Arden. No limit on money or method to get them out. They hired some people to follow them and dig up dirt yesterday. Please advise them pronto, they are going to need help." [UNVERIFIED QUOTE]

Madam Speaker, under normal circumstances we would have probably dismissed that. But we heard the Honourable Attorney General yesterday give an argument that the Minister of Financial Services was at liberty to declare a conflict of interest or clear himself of any conflict of interest, and because of the ethical standards that he operates under, he, as a lawyer, it was acceptable that we should give him some credibility and respect his standing as an officer of the court. Madam Speaker, this text message came to us from an officer of the court and that is why we took it so seriously. That individual has been interviewed by the police and has confirmed sending the message. I won't identify the individual, however, the individual stopped short of identifying who asked him to pass on the warning. And I will only say that much, Madam Speaker.

I brought this thing to the public's attention last week and I wanted to bring it to a conclusion that despite what people are saying, we know what is at stake here. We know that this path we have chosen has created us a large number of enemies and there are individuals who will stop at nothing to stop us. But, Madam Speaker, like my colleague from George

Town, I am resolute. I am determined to see this through to the end. The Government has the numbers. The Government can go ahead and vote this Bill through but they are going to do it without my support unless I see significant changes in this Bill come Committee stage. But, Madam Speaker, that is just to give an idea of what we have been dealing with. And as I said, the information came to us from a lawyer; someone who we should give the benefit of the doubt as well. And we took the information seriously.

Madam Speaker, I have yet to see the amendments that the Government is putting forward. I don't know if they have been circulated as yet. So, I will, hopefully, be pleasantly surprised when I see those amendments. But I would like to also table the results of a survey conducted by the Independent Members in relation to this Bill. I know there has been some question as to how this was conducted and so forth, but it was done through the same process as the survey done by the CBA that was conducted. We used the same software. And we sent our survey out to the email addresses of all the Caymanian lawyers that we know. So, I think that while it may not be 100 per cent scientific, none of us are statisticians. I think that the results are reliable and I will quickly step through the questions that were in the survey and just to give you an idea, Madam Speaker, of the type of responses we got, it was in the region of 100 people. So, the first question was: Do you believe that the Legal Practitioners Bill, as drafted, is an immense improvement that promotes and protects the interest of Caymanian lawyers? In our survey, Madam Speaker, 30 per cent said yes, 70 per cent said no.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Okay, so out of 110 respondents (oh yes, this is much better) 33 said yes and 75 said no.

The next question: "Do you believe that the CILPA Council, as constituted, with three of eight members being Caymanians, will promote the qualification training and development of locally qualified attorneys to equity partnership?" One hundred and five—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I will circulate a copy.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I have limited time so I will circulate a copy.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Okay. Go ahead.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I will keep going until you stand.

Mr. D. Ezzard Miller: Don't give way to any clarifications.

Mr. Alva H. Suckoo, Jr.: Do you believe . . . okay. So, the question was: Do you believe that the CILPA Council as constituted, with three of eight members being Caymanians will promote the qualification training and development of locally qualified attorneys to equity partnership? There were 105 persons who responded, 25 said yes and 80 said no.

How do you rate the level of Caymanian representation in the management/partnership of law firms? There were 104 persons who responded—73 said "poor"; 22 said "could be better"; 7 said "acceptable"; and 2 said "excellent".

Question 4: What percentage of equity partners and shareholders in Cayman firms are locally qualified as defined in the LPB? There were 95 persons who responded and 43 said less than one per cent; 30 said less than 3 per cent; 22 said less than five per cent.

Question 5: What percentage of locally qualified lawyers should be equity partners in major law firms in order to better reflect the wider Caymanian society? The average answer was 42 per cent and 90 persons responded to that one.

Question 6: Do you believe that law firms in Cayman have followed the Immigration Law by properly hiring, training and promoting able capable Caymanians to equity partnership in Cayman law firms? There were 102 persons who responded and 11 said yes and 91 said no.

Question 7: Should law firms be subject to the Trade and Business Licensing Law, Local Companies Control Law (LCCL), like accounting firms currently are? There were 107 persons who responded—72 said yes and 35 said no.

The last question, Madam Speaker: Do you believe Government has adequately represented Cayman lawyers' concerns and interests in the drafting, circulation and education around the Legal Practitioners Bill? There were 107 persons who responded—23 said yes and 84 said no.

Madam Speaker, I will table this so that all Members can have a copy.

The Speaker: So ordered.

[Copy of the survey conducted by Independent Members re: Legal Practitioners Bill was laid on the Table of the House]

Mr. Alva H. Suckoo, Jr.: I apologise for all of the paper, Madam Speaker.

Madam Speaker, compared to the accounting industry, I think that the current equity participation by Caymanians in the legal industry pales by comparison. And we keep hearing the question of, how many Caymanians trained equity partners are there? How many Caymanians local trained, locally qualified have become equity partners, say in the last ten years? This Bill, Madam Speaker, expects the Council that is being created to provide a system of legal education to facilitate the entry of Caymanians into the legal profession, and to provide for a mechanism to deal with professional misconduct. The same individuals who drafted this Bill, Madam Speaker, we have heard numerous examples from previous speakers, are also being accused of holding back Caymanians. I really do not think that it would be wise for us to entrust the future of this lucrative industry that is already whittle with problems in the hands of the same individuals that are being accused of mishandling it. Madam Speaker, I really do not think that this is the future that the architects of our financial service envisioned. To me, it represents an attempt to hijack a very lucrative industry and use the Government to further what I consider selfish goals and ideas.

Madam Speaker, who are these 180 persons that we are being asked to grandfather into the system? Can anyone stand and confirm that these individuals are indeed qualified to practise Cayman Law? Have they passed the test in their home jurisdictions? Can anyone vouch for them other than their bosses? Madam Speaker, in not supporting this Bill, I am not advocating for any sort of affirmative action. I believe that Caymanians can compete and perform with the best in the world. I have worked in the legal industry and individuals, the Caymanians whom I have worked with, could compete with anyone. So, that is not my main concern but, Madam Speaker, we need to level the playing field. And as I move on into my debate, Madam Speaker, I will explain a bit more about what that means and why I do not think this Bill does it.

So, Madam Speaker, in the same way that the lady lawyer whose letter was read by the Fifth Elected Member for George Town, may be committing career suicide, I am not willing to let her do that on her own. She is going to have my support and I will continue to defend the rights of all Caymanians, especially in cases where I see what is being attempted here, I am going to fight strenuously, even if I have to do it on my own, Madam Speaker, because I am no stranger to what has gone on in our financial services. And while we need to be responsible, we need to advance our country and we need to promote our country. Madam Speaker, we cannot come to the altar to be saved and baptised unless we admit to our sins. So—

Mr. V. Arden McLean: Seek atonement boy.

Mr. Alva H. Suckoo, Jr.: So, it is time to seek atonement.

I will support this Bill if I see significant changes and amendments, Madam Speaker. But I am not willing to just wipe the slate clean and pretend that the discrimination and intimidation of decent hardworking Caymanians did not occur. I refused to do that, Madam Speaker. I was elected to represent those people. The law firms and anyone else who is supporting this Bill may see that differently and think that the politicians need to come in here and support this Bill to promote their businesses. I am here to promote Caymanians. And I know I will be accused later of posturing and looking to get votes, but, Madam Speaker, I know the fight that I am up against. I know what is going to be thrown at me. I know what is coming and I am going to face it head-on. We all bleed the same blood, Madam Speaker. So, all I have to say to them, bring it! It won't be boxing this time though. I might get charged with assault.

Madam Speaker, I do have to commend the Fifth Elected Member for George Town. I think he did an outstanding job in presenting his opposition to this Bill, has been quite truthful in his presentation, and has adequately represented the concerns that have been brought to us. I want to thank him for voicing the concerns of those many Caymanian lawyers who have to suffer in silence, Madam Speaker, and who are not able to speak up. And I know that some of them have been criticised for not speaking up but I honestly believe that individuals like me and the other Members of this Opposition bench were elected to do that speaking-up for them and to take that fight on for them. That is our job, Madam Speaker. I do not expect every single lawyer to sacrifice their career or put their career on the line. They have livelihoods to worry about, they have families to take care of and I think this is our responsibility to take this fight on as representatives. So, I do not blame those who have not stood up and spoken out. They speak to us quietly, and as the honourable Leader of the Opposition said, Madam Speaker, they sometimes come a little nervous and apprehensive but they do come. And even when situations such as the ones presented last week, come to us, Madam Speaker. I could very easily stand here and start to name names and say who told me what and how I knew what was going on but I am not going to do that. I will take the licks for it because I believe those people deserve our protection as well. If people are so brazened as to threaten Members of this Parliament, I can imagine what they would do to someone who did not have privilege.

Madam Speaker, I really do not think that we can support leaving the future of our financial services in the hands of those who I think have been a bit reckless with how they have managed it in the past. We need regulation; there is no argument about that. But self-regulation by these same players, I think is a bit dangerous and is a case of the fox guarding the henhouse. Madam Speaker, I question how much consul-

tation was actually done across the board because we kept hearing that the Bill had the support of—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: —74, 75 per cent of the entire industry—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: —of the associations. But I have spoken to members of those associations who had not seen any sort of communication, any sort of draft bill, and did not get an opportunity to participate. I want to know and I hope the Minister will answer this as to how widely this Bill has been circulated or at least the draft Bill. Was it only to the executive members of the CBA and the Law Society? Or was it the entire membership?

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I am talking about during the drafting stage prior to the consultation.

Madam Speaker, I think it is quite clear that those individuals who have the power, the influence will look out for those that they are familiar with and identify with. And when this Bill talks about facilitating the entry of Caymanians into the legal industry, I really have to take a step back and wonder about that statement—the entry? At this stage in our development, Madam Speaker, we should not be talking about entry; we should be talking about the advancement but not entry. We should be looking at this stage to further progress and advance Caymanians.

Madam Speaker, looking at some of the other clauses in this Bill, such as, the definition of “qualified law firm” which means a firm that undertakes to practise Cayman Islands Law in the Islands and has at least one attorney who is Caymanian, it only needs to have one single Caymanian partner which means that Caymanians will not have voting control in that firm, or potentially could not have. The same criteria can be used to control affiliated offices, Madam Speaker. And I think there is too much potential. I don’t see any ground breaking change here. There is too much potential for the status quo to remain.

What benefit do we get, Madam Speaker, from putting members on the Council that will regulate Cayman Islands Law and our legal industry who have not been here long enough to even earn Caymanians status? I can’t think of too many other boards, Madam Speaker, tasked with promoting the interest of Caymanians that can have a majority of non-Caymanians as part of the membership. And what is being proposed through this Bill is that all attorneys, even those overseas can vote on the makeup of the Council. This definitely gives those larger firms with overseas offices a distinct advantage, Madam Speaker. The larger

firms will have more influence and I think the only way to mitigate this is by allowing more Caymanians within that makeup.

Madam Speaker, we have to question who it is that we are building this industry for. If it is not for Caymanians, then, why are we doing it? I really do not see anything in this Bill that jumps out at me that says- *This is for Caymanians*. What I see in this Bill is that it is for the law firms. We really need to take a step back and examine why we are here. I am not here to promote anybody’s business; that is supposed to happen naturally once the Government creates the right environment. However, I do not support doing that on the backs of Caymanians. We all need a piece of the pie, Madam Speaker. We all need to share in this Caymanian dream and we all deserve to be treated fairly, especially those of us who were born here, grew up here, educated here. Why is that such a bad thing to say? Why do I draw criticism for promoting the interest of Caymanians because that is all I am doing? And maybe the Minister will get up and say that a lot of these concerns have been addressed, however, I have not seen any amendments, Madam Speaker. So, I am speaking to the Bill that was presented to me. And, as I said earlier, I look forward to those amendments in the hopes that they will improve this Bill.

Madam Speaker, if, at this point we are not working towards requiring majority Caymanian ownership in these law firms, then we, at the very least need to ensure that the regulatory body, the Council, is made up with majority Caymanians. At the very least let us make sure that the gatekeeper is made up of locally qualified Caymanians. I don’t see any reason why that can’t happen, Madam Speaker. And that is not affirmative action; that is simply demanding your people have a place at the table and they are in control. We have to start believing in ourselves. We can’t continue down this road of “Caymanians are not ready. We are second-best”. Caymanians are ready to take control of our future and the only way that will happen is if the Government promotes that. So, let’s not offer half of a solution. Let’s trust and believe in each other and move forward together.

Madam Speaker, looking at the requirements to being admitted, I note that, I think it is on the 1st January 2019, up until that point there must be three years PQE [Post-Qualified Experience] and beyond that it must be four [years]. I would ask the Minister to explain when he winds-up why we are waiting until 2019 to implement the four years. Why not just do it now? I know already what will happen. This is stacking the odds in favour of the firms again. This is stacking them against the Caymanians. Make it immediate. I know there are no shortages of foreign with four or more years PQE but this seems to be putting another barrier in front of the Caymanians and will allow the importation of more competition for our Caymanian lawyers.

Section 34(3)(b), Madam Speaker, speaks to the supervision of lawyers with less than five years PQE and that section suggests that the supervising lawyer should have no less than five years PQE. So, I am just asking for clarification on that. I am not criticising it, I just want the Minister to explain why the difference because it would seem to me that you are saying five years PQE is the standard.

Moment of interruption—4:30 pm

The Speaker: Honourable Member, we have reached the hour of interruption.

I recognise the Honourable Premier.

SUSPENSION OF STANDING 10(2)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption.

The Speaker: The question is that Standing Order 10(2) be suspended in order for the business of the House to continue beyond the hour of interruption.

All those in favour, please say Aye. Those against, No.

AYES and one audible NO.

The Speaker: I believe the Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: Fourth Elected Member for Bodden Town, please continue.

[Inaudible interjections]

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

Madam Speaker, in looking at locally qualified lawyers in the Bill, and this is the first time I am seeing the distinction between locally qualified and not locally qualified in the law. I know a lot of people will draw similarity between potentially indigenous and non-indigenous, so I am hoping, Madam Speaker, that that won't become another complaint down the road where 'locally qualified' is viewed as not quite so-good as 'not locally qualified'. And I was not quite clear on why that distinction was being made because I do not see any huge benefits being attached to being locally qualified. If we were doing this to promote those lawyers who are locally qualified, then I could understand that, but it creates a difference between the two types of lawyers and, I fear, Madam Speaker, that, it will be used for anything, other than the good of Caymanians lawyers and will not benefit them. And we also can't

forget that some Caymanians get their legal qualifications overseas as well.

Madam Speaker, clause 32 of the Bill talks about serious professional misconduct but also recognises professional misconduct, and I am also wondering why have the two levels. As far as I am concerned misconduct is misconduct. So, what is the purpose of having that distinction there as well? I hope one won't be applied to locally qualified, while the other one does not.

Looking at applications for limited admission of foreign Council, Madam Speaker, the Bill, will allow foreign lawyers to apply for admission to practise in Cayman on a temporary basis, and I understand that from time to time this may be a requirement. But, Madam Speaker, we only need to be out in front of the courthouse on any given day and we will see an abundance of non-Caymanian lawyers entering that courthouse, Madam Speaker. And I think already there are complaints in the industry that work which could be done by locally qualified lawyers is being farmed out to lawyers from other jurisdictions who come here on these temporary arrangements and the Caymanian lawyers get the crumbs that are left on the table after they get the majority of the work, after they get the lion share. I think even the Honourable Chief Justice, Madam Speaker, has commented on this, on the fact that local lawyers can do much of this work. So, again, making a specific arrangement for this practice to continue, I think, will hurt the smaller firms, the sole practitioners and I think the wording of that needs to be looked at.

Madam Speaker, clause 68(1) says and I quote: **“Except with the approval of the Council, a qualified law firm shall not permit non-Caymanian attorneys to practise Cayman Islands Law in another jurisdiction with the qualified law firm or an affiliate of the qualified law firm if A exceeds B plus C plus D where – A equals the number of non-Caymanian attorneys who practise Cayman Islands law in another jurisdiction with the qualified law firm and any affiliates of the qualified law firm; B equals the number of Caymanian attorneys who practise Cayman Islands law with the qualified law firm and any affiliates of the qualified law firm; C equals the number of non-Caymanian attorneys who practise Cayman Islands law with the qualified law firm and any affiliates in the Islands; and D equals the number of trainee attorneys employed by the qualified law firm and any affiliates of the qualified law firm.”**

Madam Speaker, the way I am reading this equation, in my limited legal experience, it seems to me that what we are basically saying is that someone on a work permit has equal weight to a Caymanian. I don't think this incentivises Caymanians and it flies in the face of our immigration regime which rightfully so, says that Caymanians must have preference if they are qualified. I see this as part of an attempt to un-

dermine or get around our immigration regime. And I think [clauses] like this being in this Bill, Madam Speaker, will hurt more than to help Caymanians. And I do note that it states that the Council . . . it says, **“Except with the approval of the Council. . .”** So, it seems as if the Council has the final say and not Cabinet. And I think this trumps the immigration regime that we have set up here.

Madam Speaker [clause] 70(3) **“A law firm may apply to the Clerk of the Court for an annual operational licence on a form approved for the purpose by the Clerk accompanied by the fee prescribed by the Cabinet, being a fee calculated by reference to the number of attorneys-at-law in practice with the law firm subject to a maximum annual fee in respect of any one law firm of \$400,000.”**

Madam Speaker, I don't understand why we are capping this or capping it at such a low level. It is no secret how much money these firms make and I don't understand why the law seeks to limit government's revenue in this way. Why not just leave it open to the number of attorneys?

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Yeah, leaving millions of dollars on the table. I mean, we have already heard the estimates of what has happened in terms of lost revenue from work permit revenue for people practising Cayman law overseas who technically should not be. So, now, we are putting provisions in this Bill for the law that caps government's earning potential. As these firms grow they make more money and put more strain on government's resources but government is limited in the revenue that it can take in. Madam Speaker, I don't think that makes good business sense.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Well, I am sure the Honourable Premier will correct me when he gets up.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Okay. Perhaps this will help to clear it up, Madam Speaker. I think this is self-preservation. This Bill was drafted by whom? Not Government. Things like this have been put in here. They certainly do not benefit the Government. Only the Government that is going to lose in that equation, Madam Speaker; I think so. Have we examined the financials of all of these firms? Do we have an idea the tremendous amount of money that they make? Are government's fees based on good understanding of how much money is made in our legal industry? These firms all rely on government for services. Why should not government be a partner in that whole ar-

range? And, I mean a partner in terms of at least getting its fair share of the revenue as well. I think that is a logical question.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I can't hear you.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: But we are capping potential revenue.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: That does not make it right that it is in other laws.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I apologise, I should not be cross-talking so I will get back on tract.

Mr. D. Ezzard Miller: They're just trying to distract you.

Mr. Alva H. Suckoo, Jr.: You think so?

Mr. D. Ezzard Miller: Yeah, yeah, yeah.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, clause 76(1): **“The purpose of a business staffing plan that complies with this Part is to ensure that when recruiting staff, a law firm accepts a commitment to provide opportunities to Caymanians.”**

Clause 76(2): **“A business staffing plan of a law firm shall make reasonable provision to give Caymanians access to the legal profession, including training and development, and subsequent equitable progression within the law firm.”**

Madam Speaker, I really hope the Minister explains the term “equitable progression” to me because the way I read that is that it is saying we are treating Caymanians the same as we treat a work permit holder. That is the way I read that. And again, I am accustomed to an immigration regime where Caymanians get preference if they are qualified. So, I don't understand why this Bill seems to be trying to work around that. I am not a lawyer, Madam Speaker, but I try to apply a bit of common sense to these things and the way that reads to me, is opening a door that we don't want to open. I think it is a giant leap backwards considering the letters being read here today and the stories told by our own lawyers—equitable progression.

Madam Speaker, the Bill defines “partner” as **“a person who has entered into partnership in accordance with the Partnership Law (2013 Revi-**

tion).” I think that definition is quite narrow. And partners are not related to law companies, so, perhaps some people will get the idea that firms can transition into law companies. I don’t know, I am just speaking out loud and asking the questions, Madam Speaker.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: It might be a way of circumventing this whole process if it is a law company.

Law firms, Madam Speaker, use the term ‘associate partner’ when applying for work permits. These associate partners perform very similar roles to partners but pay a lower work permit fee. As it stands, Madam Speaker, the Government is currently being cut out of hundreds of thousands of dollars in work permit fees and it seems to me that this provision is seeking to continue that because of the difference between salaried partner and associate partner in the law.

Madam Speaker, the makeup of the Council, I think, underrepresents the smaller firms. The sole practitioners, I think, are severely underrepresented. And I know that based on what I have read in this Bill, the midsize or the larger firms will have a distinct advantage over the smaller firms. And while to some, that may seem quite natural, it is the smaller firms that we should be giving some preference and priority to. They are the ones that need the opportunity to grow. They are the ones that need the most assistance. So, creating a Council that is bias against them, I do not think will help them, Madam Speaker.

Madam Speaker, the Council’s composition does not give the single practitioners a voice. There are many, many single practitioners who are not going to get the representation that they need on this Council. The Bill says that the Council must have at least one locally qualified sole practitioner as a member—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I have not seen the amendments.

If the law is to represent the entire spectrum of practitioners, Madam Speaker—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: No, I—

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Madam Speaker.

The Speaker: Honourable Minister of Financial Services.

POINT OF ORDER

Hon. G. Wayne Panton: Just on a point of order and I don’t want to make a big deal of it, but the Member is misrepresenting what the Bill says in terms of the composition of the Council. There will be two members of the Council prescribed by the Bill who will be representing the small firms.

The Speaker: Can you refer me to the section, Minister?

[Pause and inaudible interjections]

Mr. D. Ezzard Miller: Page 33, Madam Speaker.

He can’t even find it in the Bill and he intervened?

Mr. V. Arden McLean: Because he nah read it.

The Speaker: Page 33.

[Crosstalk]

Hon. G. Wayne Panton: Madam Speaker, just in terms of the composition of the Council which is prescribed by clause 11(3), I will just read through it: “Further to subsection (1) and (2) – . . .” One moment, Madam Speaker.

[Inaudible interjection]

Mr. V. Arden McLean: Make him sit down. That’s clarification he wants.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, maybe I can help clarify this. I think I said that the Council would have . . . sorry.

Mr. V. Arden McLean: Go on. Don’t make him do it.

The Speaker: Can we just have one Member standing at a time?

[Crosstalk]

Mr. V. Arden McLean: You stay out of it.

[Inaudible interjection]

Mr. V. Arden McLean: Well, you doggone right you got it too.

Mr. D. Ezzard Miller: It was you that started it.

Mr. V. Arden McLean: You got it too. You started getting in it.

Mr. D. Ezzard Miller: But he said sole practitioner.

[Inaudible interjection]

Mr. V. Arden McLean: Everybody got to intimidate me; wrong nigger, wrong era.

I tell unna this can be my last go round, you know.

[Laughter]

Hon. G. Wayne Panton: Madam Speaker, clause 11(1) reads: “**There should be a Council of Association called the Council of the Cayman Islands Legal Practitioners Association which shall consist of eight members who shall be attorneys-at-law with the qualifications specified in the rules.**”

Sub-clause (2) says: “**The Members of the Council shall be elected in accordance with section 7(2)(c).**”

Sub-clause (3) says, “**Further to subsections (1) and (2) (a) for an attorney-at-law to be a member of the Council the attorney shall be ordinarily resident in the Islands and practicing Cayman Islands law in the Islands; (b) at least two members of the Council shall be attorneys practicing Cayman Islands law in law firms with fewer than 10 attorneys; (c) no more than two members of the Council may be practicing Cayman Islands law with the same law firm; and (d) at least five members of the Council shall be Caymanian of whom at least three shall have qualified locally.**”

Madam Speaker, the point was that there was a reference to sole practitioners being represented on the Council, when, in fact, the Council talks about . . . or the composition described here talks about firms with less than 10 attorneys. There is no reference whatsoever to sole practitioners being represented as a separate body. And that is just . . .

[Inaudible interjections]

Hon. G. Wayne Panton: I think, Madam Speaker, there was an earlier reference to the majority of the Council being foreign lawyers, which again clearly by reference to this provision was inaccurate.

Mr. V. Arden McLean: No, no, he can't come in here with another thing now.

The Speaker: Fourth Elected Member for Bodden Town.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I think based on the Minister's clarification, it is worse than I thought.

[Laughter]

Mr. Alva H. Suckoo, Jr.: There are no sole practitioners specifically stated in the composition of the Council. It says: “. . . firms with fewer than 10 . . .” Those are not sole practitioners specifically.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: No. It could be 9. So, what I would like to see is—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: It could be 3.

—is a provision here that those sole practitioners, one lawyer, have a voice on this Council. So, I think, Madam Speaker, the situation got worse.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I will withdraw the earlier one if it satisfies everyone.

The Premier, Hon. Alden McLaughlin, Jr.: We just want you to be accurate.

Mr. Alva H. Suckoo, Jr.: Yeah, yeah, so do I.

The Speaker: Please continue.

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

[Short pause]

The Speaker: Member, the clock is ticking. Don't allow your time to be usurped.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Yes Ma'am.

Madam Speaker, I think that the lawyers who operate in the smaller firms need stronger representation on the Council. And I think that there is no strong argument for not having the provision for locally qualified lawyers being on the Council. I think there are enough locally qualified that people with relevant experience and knowledge—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: No. It says 3, right?

Madam Speaker, I will just continue. If they want to stop me on a point of order that is different.

It says 3. In my opinion, all of them should be locally qualified. This is Cayman Islands law that we are practising, right?

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: That's what I have been saying.

Madam Speaker, I will try to keep on tract because the crosstalk is distracting.

[Crosstalk]

Mr. Alva H. Suckoo, Jr.: Sorry, Madam Speaker, I am just trying to locate my other section in the notes because I had so many that it is difficult to . . .

The Speaker: You have one hour remaining, Member.

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker. I don't think I will need that entire hour.

Madam Speaker, the Fifth Elected Member for George Town talked about the comments made by Mr. Ian Paget-Brown, QC, in his 2013 address. And I think that the point he made with reference to the concerns he had for individuals practising Cayman Islands law overseas who, in my opinion, are operating contrary to what the current law says, is important enough for me to give it some emphasis by reading his comments again. I won't read the entire statement, Madam Speaker, by starting on page 6 where he says: **"Another way of looking at the expansion referred to in the Law Society's statement is that twelve firms realised how easily the two firms referred to were able to circumvent, prior to and subsequent to 2002, Cayman Islands immigration laws and regulations by employing persons outside of the Islands who did not have Practising Certificates but were nevertheless held out as entitled to advise on issues of Cayman Islands law."**

"The twelve decided to join the two and have a go themselves to enhance their bottom line by increasing profits by using persons who were not Cayman lawyers to generate fees for them as though they were. The statistics the Law Society provides of 180 lawyers working outside the Islands as Cayman attorneys, assuming that none of them hold current Practising Certificates, are generating an estimated US\$108 million in fees annually (180x average salary US\$200,000 x 3 salary being the expected billings) or a staggering US\$1.8 billion over 10 years."

Madam Speaker, this gives some scope of how much money is being made in these overseas jurisdictions. So, it goes back to my earlier argument that I think the Cayman Islands have missed out on a huge opportunity to be partners in this. And now it seems that we are being asked to just legitimise what has been happening, and, in my opinion, Madam Speaker, it is time to come to the altar and confess.

Madam Speaker, I see this Bill as being nothing more than a vehicle for some of the firms to regularise that grey area that they have been operating in for decades. We have a Private Member's Motion that is asking for an investigation into this because we do need to determine one way or the other, and part of that process is what I talk about coming to the altar. It is my opinion, Madam Speaker, that potential harm to this jurisdiction by operating contrary to what the law

says is even greater than the level of harm that we have been accused of causing. Madam Speaker, no one wants to see the law firms shut down, no one wants to see them go away. We understand how important they are to our economy and to our people but we have to do it in a balanced manner and we cannot simply overlook all the issues that have brought us to this point. Without valid practising certificates, Madam Speaker, those lawyers were never truly Cayman Islands attorneys, in my opinion. The law currently only allows practising certificates to be issued to persons residents in the Cayman Islands. All of that, in itself, can't be blamed on the law firms, I understand that but if we are going to regularise this or legitimise this, let us talk about all the other issues that came with it.

We have heard comments in the media, Madam Speaker, of concerns with regard to client lawyer privilege being compromised because of non-Cayman lawyers practising Cayman law and holding themselves out as Cayman lawyers, but, does that in some way jeopardise client/lawyer privilege because it does not hold valid practising certificates?

Madam Speaker, in my opinion, I don't see this Bill providing a whole lot above and beyond what is already the status quo with regard to the areas of the practise of Cayman Islands law, with regard to jurisdictional protection, education, training or advancement of Caymanians. I think much more could have been done, Madam Speaker. And I think we have an opportunity still to get those things through, hence the over 120 amendments that have been submitted from this side of the House, Madam Speaker.

Madam Speaker, I think it would be highly irregular for a company like CUC to propose to take ownership of the drafting of the law that regulates their operations. I think I know the Honourable Minister responsible for that area well enough to know he would not think that that was a good idea—maybe I am putting words in his mouth and he will correct me—and then, have individuals who are being regulated, to regulate themselves. I don't think that would be a good idea but that is what this Bill is seeking to achieve.

So, Madam Speaker, I have not seen the drafting instructions that were produced by the Government. I hope they were produced by the Government because based on what I know about the process, the lawyers drafted the Bill that is going to create a law that will regulate the lawyers. And, Madam Speaker, I have already talked about the lack of consultation with the rank and file in the law firms during that drafting process. I know, Madam Speaker, the Law Reform Commission (LRC) was not consulted on the drafting of this Bill and I find that highly irregular given the concerns highlighted by Mr. Paget-Brown QC who is the Chairman. I just don't understand that, Madam Speaker, that as a highly regarded individual

like Mr. Paget-Brown, how could we go through this process and not consult him?

Madam Speaker, this Bill is going to legitimise the practice of overseas lawyers practising Cayman law and we have not detailed how we are going to vet those individuals when we grandfather them in. How are we going to assure ourselves that they should be grandfathered in? And in my mind it is risky to go about it in that way. The only thing we know about those individuals, Madam Speaker, is that they are working for a firm that may be related to a Cayman firm.

Madam Speaker, I don't see how this honourable House can be expected to give blanket approval for a bill that is going to just wipe the slate clean and give the law firms a fresh start without addressing the historical considerations and concerns that have been raised for decades. I don't think that that is a clean start, Madam Speaker. I think we are rewarding them for the times that they did not act in the best interest of this country, this jurisdiction and our people and I would much rather see that everybody have a come-to-Jesus-moment and sit, clear the air, stop attacking each other and agree to cooperate ideally. However, one side can't expect to just be pardoned and label the other side as reckless or bandits or whatever it is that they are calling us these days, Madam Speaker.

Madam Speaker, this Bill is self-drafted for self-regulation for selfish reasons and it needs to change. I certainly can't support this Bill in the format that it is in. And, Madam Speaker, I have refrained today from going into great detail about many, many examples of where these firms have fallen short because I am trying to be deliberate but to be reasoned and fair. As I said, they are not all bad. I spent 10 years at one firm and worked with many great people, wonderful people and this is not an attack on them. The last thing I would do is to jeopardise anyone's ability to earn a living, however, they need to demonstrate the same.

Madam Speaker, there is an argument that this Bill is going to enable outsourcing to a level that could potentially harm our economy via the lost revenue to the Government, the direct investment of having individuals here on Island, working on Island and investing in the Island, the loss of work permit revenues. And I know that the counter-argument to that is the firms overseas do not employ that level of individuals. But we have seen it happening locally, Madam Speaker, with the other industries where the availability of— and I don't like to use the words “cheap labour” in terms financial services but it does exist. There is that temptation and without strong control on that, any self-serving business man is going to make that decision; that if I can get something done cheaply elsewhere, then I am going to do that. I think we need to protect against that. If they are practising Cayman law then we need to protect that Cayman law and I don't think this Bill does enough of that protection.

Madam Speaker, just like other countries that have natural resources like gold and diamonds and so forth, Cayman law is one of our natural resources. It is a precious, precious commodity and we need to protect it. We cannot let others come here, clearly reap the benefits and Caymanians do not get the same opportunities. I would much prefer, and I know the argument will be is that we can't push for 60 per cent Caymanian ownership but it has been decades and decades of Caymanians studying, working, applying themselves and we are still at the point where we are saying that we are still not ready, we are still not able to do it. But if we never set that bar, if we never set that target we will never get there.

Madam Speaker, every other industry just about requires 60 per cent Caymanian ownership. That is not a sin. There is nothing wrong with that. Every other country in the world seeks to do the same for their people. Why aren't we doing it? This would be the most appropriate time for us to make that transition, Madam Speaker. If we have not reached the point where we can entrust our future in the hands of our own people, what does that say about us? And all of this development and progress that we talk about, if we are still not ready to take ownership, leadership and self-determination into our own hands and move forward together. We all grew up with that in us, Madam Speaker, those of us who are a bit older where anything from foreign was better than anything from here. And I still don't think we have done it, but it has taken so long to shake that belief that we are just as good or better. And there comes a time, Madam Speaker, when you must take that leap of faith and believe in your people. I know it is difficult to balance that with the demands of those who have come here but we are not asking for anything unreasonable, Madam Speaker. I believe in us. I don't see why the rest of the world should not.

So, my big concern, Madam Speaker, is that this Bill may be setting precedence for other industries to follow and I think we need to be very careful with how we go about approving this Bill in this honourable House. I think it is sending a message to our people that we do not believe enough in them and that we do not believe the stories that they tell us. And everybody is free to disagree with me, Madam Speaker, but I know through my own experiences and the experiences of many others, that there is a lot of truth to what has been said to us. I don't think the sky is falling, I don't think that taking the time to amend this Bill, Madam Speaker, to make sure it is done in the right manner and that our people are the number one priority of this Bill, is going to bring anything crashing down. We've heard that threat so many times in other scenarios and we still persevere.

Madam Speaker, when our men were going to sea and taking that leap of faith, going out and competing with other individuals from all over the world and then we started to hear the stories later of how

much they persevered and they excelled, it started from then. So, we just need to continue that and to continue believing in ourselves, determining our future for ourselves and stop listening so much to those with ulterior motives who come here and tell us we can't do it without them because I know many, many Caymanians who can do it.

So, Madam Speaker, I look forward to the amendments. I hope that our concerns will be addressed in those amendments. I apologise for the few moments of disruption but I do hope that the Government is listening to me today. Let's make sure that we get this one right. Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the First Elected Member for Bodden Town.

Hon. Anthony S. Eden, First Elected Member for Bodden Town: Thank you, Madam Speaker.

As I listen to the debate and look at the body language by the drafters of the Bill, it seems to be some miscommunications or something. It is understandable, Madam Speaker, that those moving the Bill will know more of what will come later. My few words are not about the technical part of this Bill, it is listening on the perimeter of people coming in, coming to me, and coming to all of us expressing their concern. The Bill as it now stands seems to bring a certain amount of confusion and concern to some of our young Caymanian lawyers and I will await to hear the (close to) 200 amendments that may come. I certainly do not look forward to Committee stage for you, Madam Speaker. We may have to take turns.

Madam Speaker, like the First Elected Member for George Town, going into my 25th year here, this sort of legislation has been hanging around from the time Jesus was on Riviera Beach. What is bothersome to me is the apparent aura of fear from some of our Caymanian lawyers, whether it is justified or not. Being in Cabinet for three terms, all of that stood there at different times had these representations about their concerns of what was happening. And as we have heard from my colleagues on this side, the representation from the powers that be, this legislation is something that should have been looked at long ago.

I remember last year or the year before when one of the firms was trying to bring in three lawyers to deal with some, seemed-to-be, minor situations in a [court] case and they were denied by the Honourable Chief Justice. Whatever the merits were, I do not know exactly but these are things that I am sure draw concern to all of us as legislators when we are supposed to have qualified Caymanians here who can do some of this work. Madam Speaker, as I said, I am not talking about the merits, it is just observations that I make of what I hear and what I see. And I note my

honourable colleague, the mover of the Bill, of the emotions that his face goes through when he hears some of the comments that are made from this side. I pray that when we come to the committee stage or when he is winding up, that we all have a better understanding of what is there. We cannot make a mistake on this one, Madam Speaker.

I draw an example of when we did, probably the most controversial Bill, eventually law, the Conservation Law, when it came to this House. There were dozens and dozens of amendments but we were all able to sit and reason. And I know the Member for North Side, when we were able to please him on that, it was touching. And I would urge and I know my colleague the Honourable Leader of the Opposition was trying to get us all together to look at this in the committee stage, and for whatever reason that has not panned out. But I will just wind up by saying that when I see that the accounting firms of the elevation they have risen to with our Caymanians at the helm, full partnerships, constantly trying to use young Caymanians, I am very proud of them.

Madam Speaker, I am concerned of the negative aura, which is pervasive around us at this time. Sometimes we can almost cut it, like with a scissors. People who call me, message me, or text me, these are real comments that they say, that there is no hope living in this country. They are depressed about the job situation in Cayman, the lack of job security, losing their homes. Last night one said that people are tired of politics. Many residents will not even go out to vote because they longer trust the politicians and our systems. Madam Speaker, am I the only one hearing this? I ask my colleagues, this is Cayman and I need not tell you what is happening around us in the world. Let us make sure what we do we do it right and our priority must be for the Cayman people.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the honourable Member for the district of North Side.

Mr. D. Ezzard Miller, Member for North Side: Thank you, Madam Speaker.

Madam Speaker, I wish to make a contribution in opposition to the Bill entitled A Bill for a law to repeal and replace the Legal Practitioners Law (2015 Revision) to regulate the practice of Cayman Islands law, both in the Islands and elsewhere, to establish a Cayman Islands Legal Practitioners Association, to provide for a system of legal education; to facilitate the entry of Caymanians into the legal profession, to provide for a mechanism to deal with professional misconduct and for incidental and connected purposes.

Madam Speaker, I have listened and I am not a lawyer. I don't work in the financial industry anymore

but I have listened, I've learned, I've participated by asking questions and by doing my own research during the last five to seven years on the debate on the modernisation of the Legal Practitioners Law and I have come to one conclusion, that this debate, the purpose of this law, the need for this legislation is not about raising the bar of professional conduct or education for lawyers; this is about money, money, money, and more money and who gets and controls the money.

Madam Speaker, we only have to look to Schedule 2, Part 1, page 80—"Code of Professional Conduct for Attorneys-at-law and Law Companies." That is what they say is necessary in order to comply with the FATF [Financial Action Task Force] and the other international inspectorates that will occur this year.

Part 1 and I quote: "**Code of professional conduct for attorneys-at-law and law companies.**

"Introduction —The purpose of this Code is to provide guidance for attorneys-at-law and law companies both to those who provide legal services in the Cayman Islands and those who provide legal services outside the Islands."— As a guide, not mandatory. There is no code in this that attorneys must and shall subscribe to, to get a practicing licence. It is a guide. They do it or they don't do it. And if you go back to what is required for a practising certificate, it does not mention the Code of Conduct.

Madam Speaker, even Part 2 on page 121—"Law Firms Best Practice Guidelines" says: "**The Code of Conduct for Cayman Islands Attorneys-at-law (the "Code of Conduct") provides guidance for attorneys-at-law with regards to their individual rights duties and responsibilities as attorneys-at-law.**" To believe that we are drafting a modern law with a code of conduct prescribed in the Schedule that is not mandated, not compulsory, it is not required that lawyers subscribe to it. There are no penalties for not subscribing to the code.

Madam Speaker, while I am not a lawyer, I have a few friends in high places who are lawyers and I asked for their professional opinion as to whether the Bill before this House would in fact likely to provide compliance with the FATF when we are examined and here is their response: "Our professional advice on FATF compliance indicates that the LPB [Legal Practitioners Bill 2016] would not, in fact, be likely to be found to be in compliance with FATF recommendations as it falls severely short of meeting such recommendations in a number of areas, including failing to provide an independent regulatory body. Since the Bill purports to create the Legal Practitioners Association by a form of amalgamation—"

[Inaudible interjection]

Mr. D. Ezzard Miller: No, no, he had his say, I will have mine.

Pardon, Madam Speaker.

—areas . . . let me start over, Madam Speaker.

"Our professional advice on FATF compliance indicates that the LPB [Legal Practitioners Bill 2016] would not, in fact, be likely to be found to be in compliance with FATF recommendations as it falls severely short of meeting such recommendations in a number of areas, including failing to provide an independent regulatory body. Since the Bill purports to create the Legal Practitioners Association by a form of amalgamation of the CBA [Cayman Bar Association] and CILS [Cayman Islands Law Society] which for all purposes are subject to conflict of interest in regulating the forms, which they also lobby for, as well having provided for a loophole with the Code of Conduct which allows the conduct to be mandatory by choice.

"If our Government is serious about complying with the FATF Standards for the effective supervision and monitoring by the Council of the Legal Practitioners Association as a self-regulating body before the CFATF visit in 2017, they should agree to amend the LPB 2016 and for the provision of effective rules. This includes the amendments to the composition of the Council and the requirement for foreign attorneys to hold valid overseas practising certificates in the jurisdiction in which they reside. Furthermore, the Bill would need to provide for ongoing supervision and monitoring in foreign countries with the co-operation of the competent authorities regulating lawyers in those foreign jurisdictions. The argument that the LPB 2016 must be rushed into law for FATF inspection requirements therefore does not hold water." [UNVERIFIED QUOTE]

Madam Speaker, they also supplied me with information which I will not bore the House with, on the prevention for money laundering and what all of these things mean and how CFATF does their inspection, as background information to support their statement.

Now, Madam Speaker, if we combine that opinion with that of Mr. Ian Paget-Brown—and this document has already been tabled by the Fifth Elected Member for George Town so I do not think it is necessary for me to table it again or quote from the documents that he tabled—which was his address to the Grand Court on 16 January 2013 as chairman of the Law Reform Commission (LRC) having been requested to do so, I believe, by the Attorney General. If we look at page 4 of that document in regards to Code of Conduct it says: "**While on the subject of Rules of Professional Conduct, your lordships will note that the draft rules circulated last month are based on the American Bar Association model rules. It was felt that the ABA Code is a good starting point for a fused profession. Where it can be improved, we welcome suggestions. The rules are up to date and reflect the challenges and opportunities of today's global legal environment. The latest edi-**

tion was published in September 2012. The ABA Center for Professional Responsibility advances the public interest by promoting and encouraging high ethical conduct and professionalism by lawyers. Over 400,000 lawyers are bound by them, and there is a wealth of published material to teach and to enforce them.”

Now, Madam Speaker, that Code of Conduct that was proposed by the group, including the author of this document, was eventually rejected by the Law Society and the Cayman Bar Association as part of, I think, it was an option 2 of the draft legislation because it was too stringent, too onerous, too professional.

Again, Madam Speaker, I get back to what I see, what I have learned as the purpose of this Bill. It is about money, money, money and more money. And my grandmother told me that money is the root of a-l-l evil. The big boys who receive the lion share of the money in the millions annually have held this law hostage to their economic control insisting that outsourcing be legalised. And, Madam Speaker, every time a draft of this law has been brought up, that was the sticking point—who is going to be in control?

Now, Madam Speaker, when it comes to this outsourcing as I call it, and . . . you know, Madam Speaker, this is a new trend for Cayman. Every other time that I can recall that we have passed legislation to introduce a new product or a new area in the financial industry, the objective was always to move the people on-island to practise on-island, so that the Islands’ economy benefitted from the money that they made because they would spend some of it here. But here, this Bill is reversing that trend. We are sending it overseas with the hope that they will send some of it back to us. Madam Speaker, I don’t believe that is a good plan.

Madam Speaker, on the one hand (and I am not an economist) we are being told, and particularly the four of us in this southeast corner, are being chastised and ridiculed by these people because they tell us these people are not practising Cayman law. They are just there sending business to Cayman and we need them to be there to do that because the old system on which the financial industry was built—and remember when we started this on infancy we had to wait on air mailed letters. I challenge any of you to go around town today and find an air mail envelope. But that is how the industry built. And then we went to FEDEX and we got one day, two days delivery. And now, in today’s technological environment where anywhere in the world to anywhere else in the world, you can make instant facial contact with somebody through various electronic means. We must have these people over there sending business to us but they are not practising law so they are not doing anything wrong. So, they do not need a practising certificate.

Yesterday, Madam Speaker, the Minister of Financial Services in moving this Bill, said that there are 200 persons practising Cayman law overseas. Madam Speaker, I ask the question: How can they be legally practising Cayman law if they do not have a practising certificate issued by the Chief Justice in our Court of Law? And because, Madam Speaker, part of a requirement and a very important requirement of getting that practising certificate is that you must be resident on the Island. So, we are admitting that they are practising law and we are admitting that they do not have practising certificates because that is impossible under the current regime, but they are not doing anything illegal and they are not doing anything wrong. But yet, we have held this Bill up for 12 plus years on that one thing, that, they must be able to issue practising certificates for persons not resident in the Islands and this Bill specifically provides it.

Page 47, Part 7 speaks to: **“An attorney-at-law shall not practise Cayman Islands law, whether in the Islands or in another jurisdiction, if the attorney does not have a practising certificate that authorises the attorney to practise Cayman Islands law.”**

Madam Speaker, there is another section and it starts on page 39, clause 31(1): **“To be admitted as an attorney-at-law a person shall— (a) be a Caymanian; (b) hold a current work permit or a Residency and Employment Rights Certificate or otherwise be entitled under the Immigration Law (2015 Revision) to reside and work in the Islands as an attorney in the capacity in which the person is or is to be employed; (c) be employed by the Government; or (d) be ordinarily resident in another jurisdiction and be a partner, director, member or an associate or employee of a qualified law firm or an affiliate of a qualified law firm.”**

Now, that they are getting that expressly provided in the law, they will no longer need to reside here; they are happy. They are spending thousands of dollars taking out ads and putting the picture of two or three little Cayman lawyers (those CUFs—Caymanians up front) that they put out there to say, *Oh this is a great thing.*

Mr. V. Arden McLean: What is “CUF”?

Mr. D. Ezzard Miller: “Caymanian up front”.

Now, Madam Speaker, let me make my position clear. I don’t agree with anybody practising law outside of the Cayman Islands; that is my position. And I have been advised by Council that the financial industry does not require it. This is just a method that they have developed which is convenient for them because it bypasses our immigration law that they do not need work permits and they start getting too many work permits, and we hear then, that they are not giving Caymanians enough opportunities and some of those people on the board might get upset and turn

down their work permits. But if they are sending them to Timbuktu we don't have any control over that. And, Madam Speaker, we are so worried (or not me because I don't support it period), the drafters of this legislation, the Government sponsoring this Bill, are so concerned that they are not going to be fair that they have put in a numerical formula for them to follow. Just think of that! We are supposed to be talking about professional people, lawyers.

[Inaudible interjection]

Mr. D. Ezzard Miller: That's makes him better looking.

[Inaudible interjection]

Mr. D. Ezzard Miller: Madam Speaker, why? We are told that because we are in this global environment now, that people can't wait anymore to get on a telephone to either skype if they can't afford to pay or video conferencing to talk to somebody in Cayman practising Cayman law. Got to be instant! Got to be in their time zone! It's easy to be in their time zone, you know, Madam Speaker. All we need to do is to open the offices in Cayman 24/7. Employ some more Caymanians in the lower echelons of your office; administrators, telephone operators et cetera—support staff. That is good for the country. That is good for the economy. Licencing attorneys in Hong Kong or Singapore are not going to help us. What's to stop them? How do we know that they are sending business to Cayman and not to the same law firms here that are sponsoring offices in BVI or TCI or Bermuda or somewhere? There is no requirement here that any client that they advised on Cayman law must send their business to Cayman, but that would have been impossible to put in the law.

Now, Madam Speaker, we have been chastised because we are threatening the financial industry because we are asking certain questions. Madam Speaker, I wonder which scenario the Government would prefer. We ask the questions, we expose the wrongdoing, we clean up the mess or the authorities in Hong Kong, Singapore or Dubai find out that something wrong is being done. As a possibly they have been told that somebody practising Cayman law in their jurisdiction has a practising certificate and it turns out he does not have one and they make a big international scene out of it. Is that the scenario the Government believes would help us with the OECD, FATF and CFATF and all of those other things? It has to be better for Cayman to conduct the investigation and find out if they have been breaking our laws and punish them according to the law, because we can brag about that to the OECD and the FATF. We are cleaning up our house. But no, they prefer to turn a blind eye and they have been ignored.

Madam Speaker, I have serious problems with what the Law Reform Commission Chairman stated before the Grand Court of our law and no action was taken by the supervisor authorities. He just let it grow. It was two firms and nobody said they were doing it wrong. The other companion firms around town went along—*If you can do it, I can do it*. And they all opened offices and they all hired people to practise Cayman law without practising certificates. And now, because it is so many of them, it's just like the financial meltdown in the United States in 2008, they are too big to fail. But, Madam Speaker, now you know, my father in North Side who picks up 12 conchs on Saturday to feed his family, because he did not get any work that week he could not go to the supermarket to buy food, pork chops, the marine conservation officer caught him with the 12 conchs, they took his boat, they took his trailer, they took his boat engine, they took his snorkels, they took his fins, they took his goggles and they can fine him up to \$500,000!

[Inaudible interjection]

Mr. D. Ezzard Miller: And they took the conchs from him too and then they invited their friends over to have dinner.

[Laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: That's what they are doing?

Mr. D. Ezzard Miller: Oh, I know. But they like lobster more than conchs. That's more impressive.

So, Madam Speaker, do my people who break the marine law have an expectation to be ignored until enough of them break it and then we come here and change the law? That's what we are doing for the lawyers. But that seems to be fine and dandy. Mine, Madam Speaker, I offer them no sympathy, if they break the law they must pay the price but I want the same thing for these other people who are breaking the law. Laws in our country and the enforcement thereof should have no relation to income or the position of influence of politics and the economy that you may control in the Island. That is what I support. But in this case when all of the other law firms found out that two were doing it, the other 12 firms joined and we said nothing and did nothing. Madam Speaker, we hear them running around here about nobody complained.

Madam Speaker, I personally wrote a letter to the DPP (Director of Public Prosecutions] in 2013 after I heard this speech, and asked that they investigate this thing and prosecute those who were guilty or suspicious of being guilty. The first response I got was, *It is not the DPP's position to discipline lawyers, it is that of the Chief Justice*. I responded—*I am not talking about discipline, I am talking about criminal*

prosecution under section 10. I laid out the cases put forward here and other cases that some attorney friends made me aware of and I got back a letter saying it was being referred to the Chief of Police because they did not think I had put forward enough evidence. That was February 2013, and, as my grandmother would say, I nah heard tee-hey since. But when the little Caymanian gets caught with one spliff of ganja they will ruin his life forever. But these people are too big to fail; too big to be investigated and to be prosecuted under suspicion of breaking the law.

Now, Madam Speaker, the other reason that the mover of this legislation says it is necessary to amend this Legal Practitioners Law is because the law is a 1969 Law and it is so antiquated and so backward and so unfit for today's legal environment. You know, Madam Speaker, I asked the staff here to get me the most recent Legal Practitioners Law. They gave me a 2012 version but I see the title of this refers to repeal and replace the Legal Practitioners Law (2015 Revision). That makes it even more modern unless this is a typo. But, Madam Speaker, unlike what they are telling the public, this Legal Practitioners Law was not passed in 1969 and forgotten about. On the attorneys urging, lobbying and request, the Legal Practitioners Law 1969 has been amended . . . (counting) one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen times. But all of them . . . I am so disappointed that the President of the Law Society only has a 1969 copy. Some of his friends need to tell him to come down to the Legislative Assembly and ask for the most recent copy. That is all he talks about, the 1969 Law.

An Hon. Member: Who is that? Robertson?

Mr. D. Ezzard Miller: Yes, he has some funny name like that, yes.

Madam Speaker, Law 4 of 1980, it was amended 17 March 1980, 9th December 1982, 24th November 1983, 9th May 1984, 21st May 1986, 29th April 1987, 8th July 1996, 15th February, 1999, 26th September 2001, 19th December 2002, 31st July 2006, 21st October 2009, 3rd August 2011.

The Speaker: Member for North Side, we will take the afternoon break at this time.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

Proceedings suspended at 6:06 pm

Proceedings resumed at 6:51 pm

SECOND READINGS

LEGAL PRACTITIONERS BILL, 2016

[Continuation of debate thereon]

The Speaker: Please be seated.

Proceedings are resumed.

I recognise the honourable Member for the District of North Side continuing his debate.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

Madam Speaker, I know that the Government does not normally pay a lot of attention to what I say but it certainly is disappointing to see (counting) *one, two, three, four, five* out of seven seats empty when the House is called and we are debating their Bill. But be that as it may, when we took the break, Madam Speaker, I was talking about the progression of the 1969 Legal Practitioners Law to the law we have today. And, Madam Speaker, I also asked the staff to look up for each of those amendments that were brought and it is very interesting of the progress that was made and the changes that were made. And it is also interesting and, I think, since we are departing so far from what our forefathers envisaged the legal profession would ever be in this country with this Bill, I think it is probably good to record for posterity who were the actual attorneys as listed in the First Schedule of the 1969 Law. And I quote the First Schedule:

1. **“Karl R. Brandon**
2. **Bruce David Campbell**
3. **Arthur Berkley Hunter**
4. **John Craddock Maples**
5. **William Stewart Walker**
6. **Ronald McIntosh**
7. **Peter Hylton”**

Then, Madam Speaker, in 1972 they introduced the Legal Practise Certificate. And it is also interesting to read from the Fourth Schedule of the Legal Practitioners (Amendment) Law, 1972:

“Practising Certificate

“It is hereby certified that . . .” (blank-where the name of the person would go)

“Esquire an Attorney-at-law of the Grand Court of the Cayman Islands having complied with the provisions of subsection (1) of section 12A of the Legal Practitioners Law, 1969 is entitled practise generally in the Islands as an Attorney-at-law until the thirty-first day of December, _____ upon the terms and subject to the conditions set forth in the aforesaid Law.”

It does not say anything about practising anywhere else but Cayman.

We had other amendments, Madam Speaker, as I have . . . 69, 80, 81 . . . but what is interesting about all of these amendments, Madam Speaker, is that they were all moved by the Attorney General at the time and not by any elected Member of the House. So, it leaves me to wonder why this Bill is not being moved by the Attorney General who, I believe, has constitutional responsibility for it. I think he is quite capable. I would also think that he would also be will-

ing and I would also think that he is able. So, the question is: Why? Is it because the Bill is not really about the standards in the profession but is more about the business side of the financial services industry, and that is why it has fallen under the Minister of Financial Services and not the Attorney General? But, Madam Speaker, I am sure that the Attorney General will speak and explain why he was not allowed to move the Bill and fulfil what I believe are his constitutional responsibilities and requirements.

[Inaudible interjection]

Mr. D. Ezzard Miller: Now, Madam Speaker . . .

Are you suggesting that the Governor revoked his responsibilities for legal affairs and the legal fraternity?

Mr. V. Arden McLean: Must be.

Mr. D. Ezzard Miller: That is the conclusion I would draw from that, Mr. Premier.

[Inaudible interjection]

Mr. D. Ezzard Miller: Oh. Okay. We know that is not you.

Anyway, Madam Speaker, let me move on. Besides the—

[Inaudible interjection]

Mr. D. Ezzard Miller: Madam Speaker, as I said earlier, I have serious concerns about the issuing of practise certificates to non-Caymanians resident in other countries. I still wonder how we are going to have any jurisdictional control from the Chief Justice in that environment. I can't find in the law where it says that these non-resident Caymanian practising attorneys have to register with the legal authorities in there and be disciplined there and get permission from them to practise Cayman law. I don't know how it is going to work. I would think that if they are going to be practising Cayman law in another jurisdiction, there must be some requirement to register or interact with the legal supervising authority in that country, whatever that happens to be. But I don't see anything in here that makes that a requirement for them to do and therefore make them directly subject to that authority for disciplinary procedures and making sure that they are following the voluntary code.

Madam Speaker, the thing that troubles me most of all is the makeup of the Cayman Islands Legal Practitioners Association. On page 34 of the Bill under clause 13, general responsibilities of Council and the previous Part 3 talks about the Council of the Association and all Members, I believe, who are licensed as attorneys can be members of this Association. But what troubles me is the makeup of the Council and in

addition to that in clause 13(1) it says: **"It is the function of the Council to manage the Association's affairs."** And in subsection (2) it says: **In particular, the Council shall, on behalf of the Association – (a) support and protect the character, status and interests of the legal profession; (b) support the judiciary in upholding the rule of law and the administration of justice; (c) maintain and protect the independence of the legal profession and the defence of the profession in its relations with the executive of the Cayman Islands Government and the judiciary; (d) encourage legal education, and the promotion of the study of jurisprudence; (e) promote the qualification training and development of Caymanians as attorneys-at-law; (f) determine questions relating to etiquette and the professional conduct of attorneys and the conduct of law companies; (g) support public rights of access to the courts and the right of representation by attorneys before courts and tribunals; (h) encourage improvements in the administration of justice; (i) encourage the provision of law reports; (j) encourage and support law reform; and (k) further good relations between members of the Association and lawyers of other jurisdictions and between the Association and other similar associations in other jurisdictions."**

My concern with the Council doing all of that on behalf of the Association as opposed to, on the approval of the Association or in consultation with the Association, I don't see any requirement of this Council to reference back to the membership and the Association for anything that it establishes on its behalf in all of these areas of this responsibility. And I would think that if we are talking about an association of attorneys doing all of these things, there should be some requirement to the framework of how they are going to achieve all of these things. It has to have some reference back to the membership for approval by the Association. But I don't see where that is a requirement and I would certainly recommend that that be one of the things we look at in making that, because in any of this stuff this Council could go off and develop criteria that the majority of the members of the Association might not accept or agree with. But there is no requirement for them to get approval of criteria from the members of the Association. And that is particularly troubling when I look at the makeup of the Council.

Madam Speaker, the thing that bothers me about this is we limit the number of Caymanians who can be on the board. Why is it necessary to mention Caymanian in this anyway? It should be given . . . they should all be Caymanians. It says: **"at least five members of the Council shall be Caymanian of whom at least three shall have qualified locally."** [Part 3 – clause 11(3)(d)]

[Inaudible interjection]

Mr. D. Ezzard Miller: Well, if you don't intend for the other three to have the possibility to be something other than Caymanian, why do you need it for? Why do you need it if you don't intend that at least three people can be something else except Caymanian? Then, it should simply say all members —

[Inaudible interjection]

Mr. D. Ezzard Miller: Yes, I want them all to be Caymanian. This is Cayman! This is not the UK, this is not Scotland, this is not Russia, and this is not anywhere else! Why are we ashamed to say that something must be Caymanian and controlled and handled by Caymanians? That is who sent me here. That is who I represent. We are always apologising and looking for other things to say, *Listen, I'm sorry*. Tell them what the Australia Prime Minister told the Muslims—"If you are coming here to live you are going to accept how we live."

So, Madam Speaker, I can't accept that we need to provide for at least three of these eight people to be from somewhere else, because, Madam Speaker, we have to realise now, that legally all of those partners that we gave Caymanian status to are Caymanians. I agree they are Caymanian. Are we saying that the managing partners and other important lawyers, attorneys who are in Cayman and are Caymanians, are not good enough and somehow we need to provide for three people from somewhere else? Why?

Now, Madam Speaker, again now, you know, this Council is totally made up of practising attorneys. We are putting the fox in the henhouse and expect to find chickens the next morning. Contrast that now, Madam Speaker, to the Bar Council that was recommended in 2013 which was rejected. "The legal profession is to be the subject of greater accountability than its members have been in the past." Bet you're not going to agree with that. Council members—this is the revised option A and revised option B to have a Bar Council to address the regulations of the profession by the establishment of an independent regulatory body. If it is taken entirely from the membership of practising attorneys, how can it possibly be independent? Because, Madam Speaker, we have to understand what we are dealing with now, you know. We are dealing with people whose job it is, to dart close to the law, circumvent the law, reinterpret the law and find somebody else who reinterpret it that way to win in court. There is no black and white; there is, how you interpret it and how I interpret and if that interpretation is not good enough, you just pay more money to get another interpretation by one of those that are called Silk or QC. They just cost you more money.

So, do you believe that if they circumvent the law for me, they are not going to circumvent the law for themselves? That's not human nature. So, Madam Speaker, I would prefer to see this Council by whatever name they want to call it, not made up entirely of

practising attorneys. And what was recommended before was Council members being inclusive of the Chief Justice or his appointee as chairman; the Honourable Attorney General or his appointee as deputy chairman; the Director of Public Prosecutions; three persons appointed by the Chief Justice, the Honourable Attorney General and the Director of Public Prosecutions (that's one each); respectively, a Cabinet appointee and the Director of the Truman Bodden Law School or his appointee; people who are not out there practising daily in the financial industry and members of the Association.

Madam Speaker, it brings me to this point: We hear that the Cayman Bar Association . . . the only thing the Minister who moved the Bill yesterday mentioned was the Cayman Bar Association. He mentioned the Cayman Law Society in his final paragraph, one time. Everything else was *Cayman Bar Association, Cayman Bar Association, Cayman Bar Association*. I understand the politics of that. But, Madam Speaker, I want to read from a letter the Fifth Elected Member for George Town, already tabled, from the Cayman Bar Association to Bruce Smith, Acting Chief Immigration Officer, Department of Immigration, Elgin Avenue, George Town, on 20th June, 2015, entitled 'Legal Services and Immigration Related Matters'.

"The Cayman Bar Association is charged in substantial part with seeking to protect the interest of Caymanians with the legal profession of the Cayman Islands. Our role may, in many respects overlap and be consistent with similar overarching elements of the Cayman Islands Immigration regime, which, in part, seeks to ensure that local businesses and individuals are provided with due and appropriate protection from unfettered outside competition. Accordingly, we would like to bring the following matters to your attention: Self-employed work permit for lawyers—our Council has received indications of concern to the effect that persons who are not Caymanians and who accordingly have no entitlement to be self-employed may, be, being granted self-employed work permits or are otherwise engaged in competition and established firms as lawyers. It is suggested that some of these persons may not be truly legal and ordinarily resident in the Islands and others may be presenting themselves as practitioners of the laws of England and Wales and yet not in possession of an appropriate trade and business licence." [UNVERIFIED QUOTE]

I would have thought that the Chairman of the Bar Association would know that lawyers do not require trade and business licence. We exempted them from that a long time ago. That was one of the first amendments they made. They changed that in the Legal Practice Law as soon as Benson Ebanks brought in those three pieces of legislation in West Bay Town Hall in 1971; the Caymanian Protection Law, the Trade and Business Licensing Law and the LCCL (Local Companies Control Law). They quick-a-clock went and got themselves exempted from it be-

cause they were regulated by the Legal Practitioners Law.

"As part of the immigration regime, there is understood to be a general requirement that non-Caymanians not engaged in gainful occupation in these Islands without being duly authorised by a work permit, other suitable permissions, such as a Resident and Employment Right Certificate or expressed exemption. As a general rule, every employee should have an employer, although, in limited exceptional circumstances it is possible for an employee to be self-employed. However, there are particular restrictions on this, including, especially in relation to professional persons.

"In particular, section 46 of the Immigration Law provides that: '**In considering an application for a work permit for a professional employee, the Work Permit Board, the Business Staffing Plan Board or the Chief Immigration Officer, [as the case may be,] shall- (d) not, except in exceptional circumstances, grant a work permit to a person wishing to enter into self-employment as a professional employee.**' From the point of view of the public and professional needs or benefits, the Council presently sees no exceptional circumstances justifying a grant." [UNVERIFIED QUOTES]

They also write about practise of foreign law in the Cayman Islands.

"We recognise the need and appropriateness of having skilled expertise readily available within our own jurisdiction, and, in fact, embrace the prospect of duly regulated practitioners of foreign laws being able to use the Cayman Islands as a base from which to operate. This, however, ought not to be to the detriment of the many established practitioners, both Caymanian and expatriate who operate in full compliance with the existing regime and may now be facing inappropriate competition from persons who are not Caymanian." [UNVERIFIED QUOTE]

Madam Speaker, I wonder what has happened with all of these concerns. But I know why. In the notes that the Fifth Elected Member for Bodden Town—

[Inaudible interjection]

Mr. D. Ezzard Miller: No, no, the Fifth Elected Member for George Town. Sorry, Madam Speaker.

The Speaker: Honourable Member, you have one hour remaining.

Mr. D. Ezzard Miller: Okay, Madam Speaker. That is more than enough time.

On notes that were recorded on the meeting that was referred to by the Premier and may have also been by the Minister of Financial Services that took place a couple of nights ago until that ungodly hour of 10 o'clock, present at the meeting were Minister

Wayne Panton, Alasdair Robertson, President CILS [Cayman Islands Law Society], Abraham Toppil, President of CBA [Cayman Bar Association], Rohan Small as facilitator, MLA Winston Connolly, Chief Justice, Anthony Smellie as facilitator. Madam Speaker, the President of the CBA had his boss there. The President of the CBA is an employee of the President of the CILS. And we have any wonder why they've gone quiet? Because I can promise you if he stepped out of line, he is not likely to be invited back to work Monday morning. I mean that is just a fact from other people. We had a letter from one this morning, you know. So—

Madam Speaker, you need to draw the attention of the Minister of Financial Services to Standing Order 34 please. I don't really appreciate being interrupted.

The Speaker: Standing Order 34 or 39(c)?

Mr. D. Ezzard Miller: Standing Order 34. There are only three reasons why he can interrupt me. One is on a point of order, point of elucidation—

The Speaker: Standing Order 39(c) says: "**Maintain silence while other Members are speaking and not interrupt except in accordance with Standing Orders; . . .**"

Mr. D. Ezzard Miller: That's the one. Thank you, Madam Speaker.

The Speaker: And that is drawn to the attention of all Members.

Mr. D. Ezzard Miller: Yes. And, you know, Madam Speaker, because I am trying to put his interruptions in proper perspective, this is like the Indian national who went into Harrods and said: *[click] I [click] would [click] like [click] to [click] buy [click] a [click] top hat and [click] a [click] bowtie.* The guy asked: *Where did you learn English?* He said, *BBC shortwave.* He thought the static was part of the language. His static is not part of this debate.

[Laughter]

Mr. D. Ezzard Miller: I just dreamed that up.

Now, Madam Speaker, on several occasions reference has been made that this Council is similar to the Council in the Accountants Law that we passed a couple of months ago but that is not so. It is true that like the lawyers, the accountants have a certain amount of self-regulation authority under their law, but they are further governed by international associations and organisations that we do not have the comfort of having these lawyers covered by. They're only covered by this law. They do not have any international associations which are worldwide with standards that

they have to comply with. So, it is substantially different from the accountants, because, Madam Speaker, as I pointed out earlier, there is nowhere in the legislation that even requires that 8 member Council with all of the things that it does on behalf of all of the 700 members or thereabouts, to come back and seek approval or permission therefrom. And that give me great concern, because, as I said, Madam Speaker, the skills of lawyers are manoeuvring around law and legal interpretations and finding stories in books that relate to the same scenario and using that as case history and precedence and, you know, you can be a good lawyer once you can remember what page in the book the story is.

Madam Speaker, the other thing that concerns me is the exemptions to the Attorney General and his staff. I really don't understand that one. I mean, I know we often say that laws that are perfect and totally applicable and enforceable on the people we represent should not apply to Government. I have never subscribed to that. I think all laws in this country that are good enough for the people, should be good enough for the Government to comply itself with. So, Madam Speaker, I have some serious concerns about the exemptions in here for the Attorney General and his staff. I think all of his staff members are included as well. They do not need to present themselves to the court and be issued practising certificates. The way I read it, the Attorney General can basically do that himself. And that is all fine and good as long as we have a good Attorney General. But we have records in this House of some of them that, shall I say, were not quite so good in the scale of justice?

So, Madam Speaker, I think that anybody working in the Attorney General . . . oh, it's in . . . okay, I got it. It is clause 49(1) Part 7 - Practising Certificates: **“An attorney-at-law shall not practise Cayman Islands law, whether in the Islands or in another jurisdiction, if the attorney does not have a practising certificate that authorises the attorney to practise Cayman Islands law; (2) A Government attorney is deemed to be the holder of a practising certificate authorising the attorney to practise Cayman Islands law on behalf of the government; (3) a certificate signed by the Attorney General to the effect that a particular person is a Government attorney is evidence of that fact.”**

Madam Speaker, we just had a case before the court where the individual claimed to have had certain qualifications and did not have it, although the court case was not about the qualifications, it was about other. We all remember the wonderful economist that we had here for a number of years whose doctorate was in Divinity and not economics, as a huge civil servant. I'll never forget the students graduating at the high school clapping the Honourable Financial Secretary off of the stage for reading the speech he had written for him. So, there is precedent that people can sneak in here, promoting to have cer-

tain certificates. So, we need to put in here, I believe, some requirement of people that the Attorney General certify should have. I don't think we can just accept that we will always have a good attorney general that it will follow in line. I think he should have to have the same things that any other practising attorney has in the country.

[Inaudible interjection]

Mr. D. Ezzard Miller: Huh?

[Inaudible interjection]

Mr. D. Ezzard Miller: Yeah, yeah, he was here from like '86 or '87. He was here for quite a while.

[Inaudible interjection]

Mr. D. Ezzard Miller: Yeah, but they did not find out until after he had left.

[Inaudible interjection]

Mr. D. Ezzard Miller: Well, I shall plead with the fifth.

Madam Speaker, why does the Government feel that it is necessary? We were told by the Attorney General in legal advice to the Legislative Assembly quite recently that it is not necessary to rewrite existing law into new legislation because it should be abiding by that law anyway. So, why are complicating this when it is supposed to be for improving the profession by putting in the requirements of the Business Staffing Plan? Put business as it has in legislation that is purporting to raise the standards of lawyers. Is it because we believe that the complaints of some people are legitimate and that somehow these attorneys have not accepted and followed the spirit of the Immigration Law on business staffing plans, and we believe that if we put it in this piece of legislation that they are going to pay more mind to it? I would suggest that this will give them more room to ignore it because they are in charge of this legislation under the Council. So, again I would ask the Attorney General to clarify for me as I am not a lawyer. But which piece of business staffing legislation takes priority? If the Council decides that it is not going to enforce the business staffing sections of this Bill, do we still have the authority under the Immigration legislation to say that they must give scholarships for so many people, they must have so many Caymanians for so many other attorneys?

Madam Speaker, you know, it is either that the people accept the requirements of the law and they agree to abide by it. Repeating the same legislation in purpose specific legislation for a particular professional group, I think, says something really awful about the profession itself, in that we feel, or the Government feels—I don't feel, I'm not supporting the Bill. That is one of the things that I want out of the Bill if I

am going to support it—that if we put it in here, suddenly a light bulb is going to go off and because it is into a law for legal practitioners, they are going to subscribe to all the provisions thereof.

The Fourth Elected Member for Bodden Town showed me an ad this morning from a law firm for scholarships which says “Cayman status only”. Now, you understand what that says eh, to the average Caymanian? That says that a Caymanian can’t apply. Only persons with Cayman status can apply. Now, we accept them as being Caymanian because they have Cayman status. They do not accept that we are equal to them because we are Caymanian and they have Cayman status, you know.

You all will remember where the term “expat” came from. Remember that was an elitist word. Remember? There was a little town up there on South Church Street that we natives could not go unless we were called for some pleasure purpose. And we have turned that around over the years to where expat is a derogatory word. But ask any of them that have Cayman status where they are from and I will bet you that not five out of ten are going to say Cayman.

One of them called me on the radio show a couple of weeks ago. He had two questions to ask me. *Mr. Miller, have you ever said anything good about an expatriate? And do you have a UK passport?* I answered him. I said: *I have been married to two expatriates, have you ever heard me say anything bad about either of them?*

[Laughter]

Mr. D. Ezzard Miller: I said: *I don’t have a UK passport.* Boy, he was disappointed. He almost swallowed the phone he was talking from; you could hear it when it went down. So, I said, *I don’t have time to explain to you today why I don’t want, care or desire to have a UK passport. But I have a few questions I would like to ask you if you would come with me to have a cup of coffee. Here is my number, call me.* He has not called me since. And they had just introduced this thing at Radio Cayman to get revenue for the Government where they have to cut you off in the middle of a sentence to put on an ad. So, I did not get to ask him if he had burnt up his UK passport when he got his Cayman passport. That is the question I really wanted to ask him because they do not give up anything. Every one of them keeps their alternative and when they destroy our industry they are gone. They are gone. Remember [hurricane] Ivan? Remember the airport of Ivan? It was not too many Caymanians leaving you know. They were leaving car, truck, watch, phone, everything behind, getting out of town. If I had my way, you want Cayman status, give up the one you have. But, anyway, that is bity.

So, Madam Speaker, I really do not see the necessity of what we are going to gain by putting into this Bill a repeat of the immigration requirements.

[Inaudible interjection]

Mr. D. Ezzard Miller: Not in this case because their pants are going to drop off anyway.

Madam Speaker, I know of too many instances where Caymanians come to me and tell me . . . we all know that part of the requirement of the Business Staffing Plan—I don’t remember the exact number so I won’t try to quote it—is to provide a scholarship for X number of work permits. Tell a Caymanian to go and apply to try and get one. They just can’t get into the door. When I talk to young people, Madam Speaker, unfortunately, not only in the legal field, but when we leave this country and we go to another man’s country, we compete for an education. We compete amongst their best. We excel above their best. In the final year of college, those young people who are not as smart, not getting as good grades as us Caymanians are head-hunted by corporations. The Caymanians come back here, they go to these various firms and take their certificates looking for a job and they are treated like a thief, like a criminal. They don’t have any jobs but they have 500 work permits.

I brought a motion here some years ago that said I believe it would be good if we made business staffing plans a public document so that that Caymanian could go into a law firm, after finishing law school, getting his articles and all of the other stuff, and say, *I would like a job.*

But we do not have any.

Well, can I see your business staffing plan?

He will look at the business staffing plan and say- *Well, here is Joe Blow, his work permit is up in three months or six months.* And I did not recommend that the salary bands [be there], which are not part of the Business Staffing Plan anyway, but the credentials should be there. So, he can look at it and say- *Well, he has got a CPA or an LLB and I have an LLB. Well, he has five years’ experience but he does not have maybe Microsoft Suite, so let me go and get that and I will come back in three months and apply for his job.* But they are simply told that there are no jobs and nine times out of ten, they put the application in the waste basket.

Madam Speaker, I have said it on the Floor of this Legislative Assembly before, there is a revolution brewing in this country. We have an obligation to stop it. This Bill is not going to stop it. This Bill, in my view, is going to make it worse. Read the letters from the Fifth Elected Member for George Town. Talk to the people behind the coconut tree because they can’t come out and talk in public, you know. They have to meet secretly. The fear that we are allowing to non-Caymanians and new Caymanians to exercise on our people when we welcome them to our shores and allow them to be a part of our economic miracle, and in most instances to get more out of the economic miracle than the Caymanians. There was a time in this country when Caymanians owned everything. We own

nothing today. In the last 15 years the only thing Caymanians have done is to increase their debt. Think about it. And other people come here, two years and they made manager. In three years they make partner. They retire ten years later with \$40 million. And they go live in Colorado, Europe or they buy a winery here or a winery there. They don't spend any money in Cayman. They come here and they are raking the money. They abuse the Caymanian.

Madam Speaker, you know, the first time that I got involved in this debate, I think was in 2012. I was invited, as was all Members of this Legislative Assembly, to a meeting chaired by the Honourable Attorney General. Was it in 2012 or 2011?

[Inaudible interjection]

Mr. D. Ezzard Miller: In 2010, earlier. I went to the meeting. The Attorney General handed us a draft bill.

[Inaudible interjection]

Mr. D. Ezzard Miller: Yeah, yeah, yeah. He was the chairman in the meeting. Every time he started to try to get a discussion on the bill, we had this guy from Maples and Calder who, I think was the managing partner at the time, Charles Jennings, who kept interrupting the Attorney General saying, "That is not the right bill. That is not the right bill." I asked the Attorney General: *Sir, which bill do we have?* The Attorney General said: *This is the bill we are dealing with.* He started off again, the same obnoxious person. By that time my Miller blood was thick. He interrupted him again: "That's not the bill. That's not the bill. This is the bill. This is the bill we have to talk about." Again, I said to the Attorney General—and if I say anything wrong you can get up and correct me sir—*which bill are we dealing with?* The Attorney General answered: *We are here to discuss this bill.* The third time he did the same thing, I looked at the Attorney General and said: *Sir, you are chairman of this meeting, you can't control him and you can't decide which bill we have, when you find out which bill, call me back.* I walked out of the meeting.

On the way out this same man called me and handed me a piece of paper with his cell number on it that I must call him. Well, I gave him one of those very kind and gentle, pleasurable and revival Miller looks and wadded that up and crushed it and put it right into the garbage can right in front of him.

[Inaudible interjection]

Mr. D. Ezzard Miller: Exactly.

[Inaudible interjection]

Mr. D. Ezzard Miller: This is what these people have done to this piece of legislation ever since.

The Leader of the Opposition hired eminently qualified Caymanians and experienced lawyers to draft a 2013 Bill. They shot it down. That is the Bill that had in the Code of Ethics that was mandatory. It was too strong for them, yet, it controls 400,000 lawyers all over the world. Now they bring back this that they wrote all about money, money, money, money and who controls the money.

Madam Speaker, I cannot support this legislation. It is not about the legal profession; it is about making money. Yes, Madam Speaker, they throw a little thing here and there about standards that are mandatory, if you like it or not you can use sections out of it but you do not have to use all of it, to try to make us country boys like me believe that it is all about upgrading the profession. But I can promise you, Madam Speaker, that if the Government decides here and now to take licencing foreigners overseas to practise Cayman law out of this Bill, not a single one of them will support it. Not a single one of them will support the legislation.

Madam Speaker, I have been told by people who have been in the industry for a long time, that in spite of what they say, licencing foreigners to practise law abroad is not absolutely necessary for the survival of the industry. And, that the potential risk of something going wrong in another jurisdiction if we do not have in place all of these extra judicial requirements for them to meet in the territory where they are practising it, it could be worse for the country. That is what gives me great concern.

Madam Speaker, I would vote for this Bill right now if we take all of that rubbish out of it and it deals with the following: What is necessary to qualify for a lawyer? Is it an LLB [Bachelor of Laws] with two years PPC or 18 months PPC [Professional Practice Course] or what is it? Eighteen months of being articulated, I don't agree with that but that is what they want. I think if a person passes their professional practise course you should not have to go and beg anyone to be their slaves and carry around files for them for 18 months, because I can read a letter here by a Caymanian who said that is exactly what they made him do. And it was so bad that he had to leave the Island and is now practising in New York where he is accepted. Right? And you will get your practising licence. But, Madam Speaker, that must go for anybody, not caring where they come from if they take that bar exam and they do the articles. And I don't care how long they have been practising, I support that. I support a code of conduct that is mandatory and the penalty is that if you break one item on it, the practising certificate is gone.

One of those amendments that I talked about earlier of the progression of the Legal Practitioners Bill said that if you leave the Island for two years the Chief Justice *SHALL* remove you from your role in the court. No intent for anybody to be practising Cayman law out there. And, Madam Speaker, if I talk to fellow parlia-

mentarians from other overseas territories, they have the same concerns I have, because some of theirs are trying to do the same thing. And they are justifying it because Cayman is doing it. And Cayman is justifying it because they are doing it. It is just like when me and Della wanted to the sea, we would go to aunt Ida's and ask her if she could go in the sea with me and then we would go and ask mama if I could go in the sea with Della. So, they are using these relationships in these law firms to get what they want and make us believe it is necessary.

I was told quite recently that in Bermuda the branch of a local law firm had to prove in court—did you hear what I said? In Bermuda, the branch of a Cayman major law firm had to prove in court that the unit they were setting up in Bermuda was one 100 per cent Bermudian. They complied with the law but they had to be 100 per cent Bermudian. But here we are, we are scared, we are intimidated by these people. We refuse to say we put in the law it does not apply, that they must have a business licence and it must be 60 per cent Caymanian owned. What is wrong with that?

Madam Speaker, my other concern about this is we have allowed these people to come here and convince us that we have to have all of this stuff to destroy the tourism industry. They do not have to have papers but we have to have. Caymanians must have the papers but they can come from anywhere and as long as they have a warm body and beating heart and prepare to wear a short skirt, they can get a job as a bar maid right now. Don't even have to speak English good.

The hotel that just open, the biggest one to town . . . listen to me, now you know I am only going to tell what I know. A man walked up and asked for a red stripe beer from the bartender—*red stripe beer, what is that, we don't have those here*. This is Cayman now you know. This is not Afghanistan or Uzbekistan or somewhere else. So, he decided that he would have a Heineken and he brought him a Corona and charged him nine dollars and cents for it. He was asked where he trained a bartender. He said he was trained as a bartender on the job there. But if I send my North Siders down there and because they do not have a bachelor's degree in bartending, they can't get a job. And not even when I send the one with a bachelor's degree in waitressing and bartending, they will not hire her.

They have also done it to the construction industry. Just Friday night going to Jamaica, a gentleman came to sit by me and my wife and asked my wife to fill out the immigration card for him. I said, *Why?* He said, *Can't read and write sir*. He's in Cayman on a work permit, you know. On Sunday night coming back to Cayman, on a work permit because the work permit is stamped in his passport. I filled out the form for him. Do you really believe that you all have any idea how difficult it is for a Caymanian who

can't read and write? Is that not the reason they say they are not hiring the high school children, because they can't read and write good enough? It is not that they can't read and write. But we are issuing permits for them. They speak English you see, so they do not have to do the English test.

It happened less than a year ago again; a gentleman asked me to fill out the form and I said—*Well, here is the pen*. No, sir, he said, *I can't fill it out*. He is a mason and got a permit for a mason in Cayman. I said—*Well, how do you handle measurements and things?* He said, *Well, I know one to ten and he said, You know, if I need to tell the man 6 inches and a little bit, I tell him 6 inches and three ticks or six 6 inches and one small tick or 6 inches and the first big tick*. But he is probably a good mason, I don't know. But, how is it possible for somebody like that to get a job over a Caymanian?

They are doing it to the legal fraternity. The next on the list is the medical profession. They started on that already. Drive around in the shopping centres and look at the doctors' offices that do not need business licences that are set up. We have 13 Caymanians, I believe, coming back here within the next year or so with MBBS [Bachelor of Medicine and Bachelor of Surgery] or some of them are already specialised. What are they going to do?

Madam Speaker, there are too many unnecessary provisions in this Bill that we do not need. Yes, we need to improve the standards for the legal profession. This does very little about that. At a very minimum I hope the Minister will accept the amendment to make the code of conduct and the best practices mandatory and not voluntary. Because, Madam Speaker, just think that the drafters of the Bill, whom I understand, are the top professionals in the legal fraternity in this country. They are the ones who are on the radio stations building it up, that would have the temerity, the gall to talk about improving standards when the code of conduct is not mandatory. And we bring it down here and present it to the public and defend it.

Madam Speaker, you know, they all tell us that the only people that you all are hearing from are the people who can't cut the mustard, who can't be taught to cut the mustard, who have no ability to learn to cut the mustard, but I have a letter here from a partner that I want to read into the record. Now, this is one of their own, a partner of a law firm.

"The letter in today's Compass from David Collins was the final hypocritical straw that propelled me to put pen to paper to express my views on the LPB (That's one of those CUS, David Collins).

"Regularly given the culture in the local legal profession, I feel the need to withhold my name when doing so, so I am directing my response to you as it would not be accepted on that basis by the Compass. I am a Caymanian attorney and recall that Mr. Collins had only three years post-qualifying experience when

he was made a partner in contrast to the regular 10 year timeline indicated on the website of the Cayman Islands Law Society. This, of course, was in response to the resignation of four Caymanian attorneys from the Walkers in short succession because back in that day the law firm still felt they had to be seen to pay at least minimal lip service to inclusion of Caymanians and was mocked for the tokenism it clearly represented.

"I understand, however, that David's appointment was not unique in that respect and that . . . (I won't bother to call that name) . . . partner after Walkers had received a tap on the shoulder from a politician. One of the problems with the few Caymanians that have become law firm equity partners is that they seemed to have forgotten the circumstances in which they did and to convince themselves that it is because they are somewhat better than other Caymanian attorneys and thus warrant different treatment. That, to them, failing to support the interest of other Caymanians is then repaying the favour that was done to them." [UNVERIFIED QUOTES]

Madam Speaker, I want to interject here.

I had a big title in one of these financial firms—

[Inaudible interjection]

Mr. D. Ezzard Miller: No, I made my money in the medical field, not there. They were paying me a pittance to what I was worth. But, Madam Speaker, my basic requirement there, was to find a reason not to hire a Caymanian and to deliver any work permit that they wanted from anybody from anywhere. I finally got tired about it and said that I was just not doing it anymore and we parted under friendly terms. So, I have experience of what they expect Caymanian HR people to do.

"Almost no Caymanians who qualified locally are equity partners in the larger law firms. The fact that situation exist after half a century of legal practice in the Cayman Islands, evidences without need for further verification or investigation, that the firms themselves have not actively sought to include Caymanians. And in the face of this, that there has been a failure to properly regulate the legal profession. The Caymanian equity partners in such firms that don't qualify locally, reflect partners becoming Caymanians, not Caymanians becoming equity partners." [UNVERIFIED QUOTE]

That's a big difference, Madam Speaker. I think it was my colleague for East End who kind of phrased at the same meeting chaired by the Attorney General that I referred to earlier, when he told those same partners and managing partners that were being so disrespectfully disruptive, that he could tell them how many of their partners this country has made Caymanian, and if they could tell him how many Caymanians you have made partners—deafly silence.

"The firms have made a number of Caymanians that have qualified locally, partners. This, however, is largely for show. Such partners are salaried employees and may earn a tenth of what an equity partner earns. They also have no meaningful input into the management of the firm. This is significant because it is important that management reflects the composition of local society to ensure that the decision makers have a vested interest in the long term success of the Cayman Islands as opposed to pursuing short term interest for personal profit. It is of further importance to have cultural and ethnic diversity in the management of such firms to avoid tendencies of groups of people to hire and promote their own image, and in the process, exclude people from different backgrounds." [UNVERIFIED QUOTE]

Now, Madam Speaker, I have been at social events because my sister has some children who like to play hockey, and when these people lose a hockey game they will be sitting over a beer saying, *Boy, we need to bring our friend John down; he is a good hockey player.* Two weeks later he is on the field playing for them because they have a work permit for him.

"While there should be no difference between the two professions, the situation referenced above, stands in stark contrast to the audit firms. Some in Government appear to be saying that the law firms are too economically important to be regulated in any manner that conflicts with the desires of such firms. The opposite is, of course, the case. A profession that important should be closely regulated, not left to its own devices and self-interest. It should be remembered that the economic contribution made by the law firms is not altruistic. It is because in the process they make even more for their equity partners." [UNVERIFIED QUOTE]

The Speaker: Member, you have 17 minutes remaining.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

"It is grossly misleading for the Law Society to make statements such as law firms representing 85 per cent of lawyers in the Cayman Islands support the LPB. The Law Society is reflecting the interest of the equity partners of the law firms, not the views of the individual attorneys, and certainly, not the Caymanian attorneys in such firms. The statement has no more validity than a statement that gas station represents 55 per cent of motorists considering the price of fuel to be cheap. The fact that a professional association would engage in such spin is deeply concerning and clearly reflective of a desire to avoid addressing the substantive issues. And the law firms arranging for article clerks to be paraded about in apparent support of the LPB should be seen as the shameless exploitation that it is." [UNVERIFIED QUOTE]

By the way, Madam Speaker, I heard one of these people promoting this Bill say that 14 article

clerks had written every Member of the Legislative Assembly. I want to say publicly, I have not received any letter from any article clerk. Now, I don't know who is telling—

[Inaudible interjection]

Mr. D. Ezzard Miller: Good word, good word, good word.

“Any belief that the Law Society represents independent opinion is misplaced. Alasdair Robertson may prefer to comment as President of the Law Society, however, the fact that the largest law firm on the Island sees no need to separately make any substantive comment on the LPB, makes clear that the Law Society under his direction is pursuing an agenda that mirrors that of Maples of which he is a managing partner, not the profession as a whole nor Caymanian attorneys in particular. The testimonials put forward by the Law Society largely compromise the few Caymanians who have managed to achieve some equity participation and some hoping that there may be exception to the rule and get it if they tow the party line. Regrettably, this is all too reflective of a pattern whereby Caymanians who have done well for themselves are prepared to say the esteem is fair rather than support the efforts of other Caymanians to achieve like status. One could cynically say that they see doing so as their contribution to the firms. It is in fact more telling how limited the group of people the Law Society could persuade to give testimonials is.” [UNVERIFIED QUOTE]

Remember that they had to put the same faces in the paper more than once because they could not get anymore faces and one of them, I believe, the Government had to rescue and give them a job in Labour, and not in the too distant future.

[Inaudible interjection]

Mr. D. Ezzard Miller: By them.

“While I agree that the practise of Cayman law in different time zones benefits the jurisdiction as a whole, that is no excuse for breaking the existing law and the structure set out in the LPB has the potential to go far beyond what is necessary and lead to the outsourcing of work that could and should otherwise give rise to employment in Cayman.

“Currently, the numbers of lawyers in Cayman practising Cayman law outside the Cayman Islands is estimated to be less than 20 per cent of the number practising law in the Cayman Islands, yet, the Law Society for which the big law firms is seeking permission to have one attorney overseas for each attorney in the Cayman Islands, whether Caymanian or work permit holder. That would likely give rise to outsourcing arrangements with work being serviced, not just from Asian offices, for language or time zone reasons, but for lower cost jurisdictions in our time zone such

as Canada. It has already happened in other service sectors and Maples already has a Canadian presence. [UNVERIFIED QUOTE]

“The approximate current ratio of lawyers based in Cayman to lawyers based overseas satisfies the basic requirement without overly impacting local employment and related economic contributions should therefore be maintained. The ‘one for one’ ratio proposed in the draft LPB also fails to incentivise the recruitment of Caymanians. To achieve a roughly comparable ratio to current arrangements and, at the same time, incentivise the recruitment of Caymanian attorneys, one foreign practising certificate should be allowed for each Cayman attorney for every four attorneys on work permits or with PR.

“The fact that the current draft LPA, an entirely new document prepared under the direction of the Law Society that dispense with numerous rounds of revision over a period of years has been prepared to further the agenda of the large law firms, is clear from peculiar provisions such as section 70(3) which states that: ‘**A law firm may apply to the Clerk of the Court for an annual operation licence on a form approved for the purpose by the Clerk accompanied by the fee prescribed by the Cabinet, being a fee calculated by reference [to the number of attorneys-at-law in practice with the law firm subject] to a maximum annual fee in respect of any one law firm of \$400,000.**’

“The \$400,000 fee applies only to the largest law firms. Why would an impartial draft provide that fees for all, but the largest law firms could be increased by Cabinet, but that an increase in the fee to be, and currently paid by the largest law firms would require amendment of the legislation?” That is quite interesting—very interesting.

“Further, with respect to the work permit fees, Maples for one, utilises an inexplicable inconsistency in the work permit fee regulations, which provide that the fee for an associate attorney and an associate partner is basically the same. Associate partners are indistinguishable from salaried partners but the work permit fee for the latter is approximately \$12,000 per annum higher than for an associate partner.” [UNVERIFIED QUOTES]

I always wondered what it was that they went to court to stop us from getting that the Immigration Department has of associate partners, salaried partners and equity partners. I wondered what the difference was. I see the difference is \$12,000 cost of a work permit but they do the same job. And it is probably them that asked for that fee to be put in the work permit too, you know.

[Inaudible interjection]

Mr. D. Ezzard Miller: It goes on: “Why other category of employment is there under the regulations where a promoted post that involves an increase in numeration

and a title that of noting increasing seniority involves no material increase in work permit fees? Further, associate partners are simply designated partners in correspondence with clients, there being no external distinction from equity partners who are also simply designated as partners in respect of which the fee payable is higher again.

“The fact that Alasdair Robertson, as President of the Law Society and Global Managing Partner of Maples, feels confident enough to advocate for such an unbalance piece of regulation, reflects that the firms have been operating an environment where checks and balances have been entirely absent. The law firms seem to feel that they are some way different from other businesses in the Cayman Islands and are not required to comply with general law, including in respect of their failure to progress Caymanian Immigration Law, in which context it is particularly concerning that members of Government have been supporting the LPB of conflicts of interest by virtue of close connections of law firms.

“The lack of representation of Caymanians who qualified locally as equity partners in the law firms, after a period close to half a century in contrast to the audit firms, makes clear that self-regulation as provided in the current draft of the LPB is entirely inappropriate. The firms have failed to advance the interest of Caymanians over the course of half a century, neglecting the terms of the Immigration Law in the process, and are no more likely to do so under the self-regulatory framework proposed in the LPB. Based on current composition of the legal profession, a substantial majority of the membership of the CILPA would be attorneys on work permits and only three out of the eight council members would have to qualify locally. That is quite unlike the composition of other statutory regulatory boards, particularly one specifically interested with protecting the interest of Caymanians. It is like having a work permit board elected and principally comprised of work permit holders.” [UNVERIFIED QUOTES]

You heard what the man just said, right? What we are doing here is tantamount to having (not as we do now) the Work Permit Board made up of Caymanians, but having it made up of work permit holders; an interesting analogy.

“This is particularly so given the ability to direct the exercise of blocks of votes that the larger firms that have even attorneys in their foreign offices would get to vote . . .” [UNVERIFIED QUOTE]

Really? That could never be true.

[Inaudible interjection]

Mr. D. Ezzard Miller: Eh? You mean—

[Inaudible interjection]

Mr. D. Ezzard Miller: No man, that can't be that bad. It could never be that bad; that people who work for these law firms in other countries can vote in the Association in Cayman?

[Inaudible interjection]

Mr. D. Ezzard Miller: I'm glad I did not see that because that probably would have given me a—

[Inaudible interjection]

Mr. D. Ezzard Miller: Anyway. “. . . which, notwithstanding the stipulations as to composition, would ensure the election of a council that was supportive of the interest of the large law firms.” [UNVERIFIED QUOTE]

The Speaker: Member, you have seven minutes remaining.

Mr. D. Ezzard Miller: “The Council would principally comprise ex-officio members, as in the case in BVI or a truly independent regulator should be constituted as in the case with audit firms in the Cayman Islands.

“Thank you, for taking up these issues.” [UNVERIFIED QUOTE]

Madam Speaker, as I said earlier, this is not written by a Caymanian who could not cut the mustard, who could not be taught to cut the mustard, and is unlikely to like mustard anyhow. This is written by a Caymanian attorney who is a partner.

Madam Speaker, I am embarrassed by the number of struggling Caymanian attorneys who have come to me with concerns about this legislation. I am shocked by the Caymanians who have made it to salaried partners and who put halos around their equity partners. We had one meeting with them and the only thing they did not ask us to do was to kiss their hands and rings on the way out of the building. We have young, not so young, educated, intelligent Caymanians looking at us politicians and saying, *Listen, I'm doing alright, I'm making good money, don't rock the boat, don't disturb these people, they are good for Cayman, try to give them Cayman status and keep them here.* I looked at the young lady and said, *What happened to you? You used to be a very assertive, bright, intelligent, and full of confidence individual.* She has been so beaten down and beaten up in the process of getting to salaried partner that she now just goes along.

I have a bright young Caymanian attorney in my constituency. I think she is 16 years PQE, flies all over the world to represent these people and can't even get salaried partner.

[Inaudible interjection]

Mr. D. Ezzard Miller: Well, once they find out she supports me politically she probably will not get that.

Madam Speaker, I don't know what more to say to the Government, other than, listen to the people that you represent. It can't be, Madam Speaker, that it is only this side hearing these stories. That is impossible. It can't be that you all. And, Madam Speaker, some of them complained to me while they were lawyers, you know, about the same things. Now you all are supporting this legislation! Come on man! Let's do something for the people coming behind you. Don't let them have to suffer the way you suffered. And you had to give up your career to become a politician because you could not get anywhere in the law firms. And you are making them RAM this down your throat!

The Speaker: You have two minutes remaining.

Mr. D. Ezzard Miller: Madam Speaker, this is painful and I really hope and pray that the light bulb goes off and that we see what we are doing to our own people.

Madam Speaker, I can't support the Bill and it is no good of me standing here because most of them over there are doing whatever they want to do. They are not listening to me or paying me any mind. Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak? *[pause]* Does any other Member wish to speak?

I recognise the honourable Member for the District of East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker. I take note that not enough has been said to get them out so I might as well say the rest.

[Inaudible interjections]

Mr. V. Arden McLean: Whether they are waiting us out or not, it does not change the message.

Madam Speaker, I rise this evening with a very heavy heart. I know this country and maybe Mr. Connolly, the Fifth Elected Member for George Town and I are the genesis of the problems this country has been going through over the last couple of weeks. Madam Speaker, I was sent here on the 8th day of November 2000 by the people of East End. On the 7th day of November 2000 I told the people of East End, *I shall leave if you elect me tomorrow morning with the same enthusiasm that I will take it up with, and that is to defend you and defend you I will, in particular and in general the people of this country.*

Madam Speaker, I believe that I should put this into perspective for my people, the people of this country. I have until the 24th day of May to remain in the representation of the people of East End in partic-

ular, and the country in general and that is when the people of East End will decide whether or not I have fulfilled my promises or if I am serving them properly. But let me tell the people of this country what has happened here and what they did as a result many years ago.

Madam Speaker, our forebearers, those of us who sit in here as elected representatives, understood that we were unlike our neighbouring brothers and sisters, the countries that had arable lands and they utilise them for the betterment of their country. They planted sugarcane, bananas and hung their hat on that to take care of their people. We, on the other hand, did not have arable lands in sufficient quantities to feed our people by virtue of commercialisation, so our forebearers, Jim Bodden, Warren Conolly, the man from West Bay, Mr. Farrington, Benson Ebanks, Sir Vassel Johnson, Anton Bodden from Bodden Town, from Cayman Brac, Mr. Reid, the two brothers, Fosters, the Kirkconnell, all saw the need to find some way to feed their people, and not only the people of that day but for future generations. So, in their ingenious way they came together and developed what we call services to people outside. That has transformed into what we like to brag about today called the financial services.

Madam Speaker, in that infinite wisdom they saw the need to have a law school so that we and my children who were not born at the time, and I dare say, many of our children, some of us were not born either, but they saw the need to make provisions for the future of this country. So much so, that today this House, this very House boasts of 8 lawyers out of 18 Members. Six having been qualified at that Law School—the Attorney General and the Minister of Education were educated somewhere overseas. So, for the purposes of this first argument, we are leaving them out but they will get connected later.

Madam Speaker, we have six lawyers who were homemade—homemade bread.

Mr. D. Ezzard Miller: The best.

Mr. V. Arden McLean: Today, at least one of them brags of the high quality of educated Caymanians who are coming out of there. Those six lawyers, Madam Speaker, in this hallowed Hall, one reason or the other, at one time or the other, were connected with large law firms.

[Inaudible interjection]

Mr. V. Arden McLean: You were in it. Don't say, 'not you'; you were into it. We will connect you later. We will connect the dots to you later.

The Premier, Hon. Alden McLaughlin: Madam Speaker.

The Speaker: Honourable Premier.

POINT OF ORDER

The Premier, Hon. Alden McLaughlin: A point of order.

The Speaker: Please state your point of order.

The Premier, Hon. Alden McLaughlin: I tried [IN-AUDIBLE] to have the Member not say what he did. I have never been connected with a large law firm. I was a partner in Charles Adams Ritchie & Duckworth. I served my articles there. I was there for nearly 20 years. I never served anywhere else. So, the Member knows that very well and he is deliberately saying what he is saying for purposes which I am sure will become apparent. I ask, Madam Speaker, that he withdraw that remark.

The Speaker: Honourable Member for East End, the Honourable Premier is stating emphatically that he was not connected or attached to work in a large law firm and that you are cognisant of that. If that is the case, would you please withdraw that part of the statement?

Mr. V. Arden McLean: Madam Speaker, he needs to define large law firm then, because anything over two or three has to be large.

The Speaker: Two or three?

Mr. V. Arden McLean: Come on now! What are you all defining as a large law firm? Nobody has put any definition on it.

The Speaker: Member for East End, because you were in fact the first to use the adjective “large” perhaps you can assist the House as to your interpretation of “large”.

Mr. D. Ezzard Miller: He just did; anything over two.

Mr. V. Arden McLean: Madam Speaker, I just did. In my view, a large firm is anything over two or three.

The Speaker: So, what is a small firm?

Mr. V. Arden McLean: Well, below.

The Speaker: And a medium firm?

Mr. V. Arden McLean: Someone else will have to define that, I can't.

The Speaker: Member, let's be reasonable. It is after eight [o'clock].

Mr. V. Arden McLean: Madam—

The Speaker: If a large is two and a small is below . . . I'm just asking you to be reasonable. You can't have 1.5.

Mr. V. Arden McLean: Madam Speaker, if we want to get into that, I am sure large law firms start at about five—medium, somewhere there, and then small is one—sole.

The Speaker: Can I just ask the Honourable Premier how many lawyers were in the firm at the time?

The Premier, Hon. Alden McLaughlin: Madam Speaker, we need not pursue this. The Member has got to the point of ridiculousness which everybody will be able to judge quite well what he means.

The Speaker: Member for East End, please continue.

Mr. V. Arden McLean: Okay, thank you, Ma'am. Glad that that argument is dead.
Madam Speaker—

The Speaker: Please don't resurrect it.

Mr. V. Arden McLean: It is not me, Ma'am.

Madam Speaker, I am of the view that the six lawyers who are home grown in this country, who currently occupy representative positions in this honourable House, at one stage or the other, had problems with the law firms. That was because the foreign lawyers did not, and to this day, does not respect the educated Caymanian who comes from that law school and that is a fact. That is a fact! So, Madam Speaker, figuratively those foreign lawyers spat in the face of the people who were qualified at that law firm, including ours here.

Now, Madam Speaker, here we are almost 40 years later hence the creation of that Law School and the very people of this country said to the people who were educated in the Law School, they don't think your education is good enough but we do and we are going to engage you to represent us. We are going to engage you to govern us. If they do not have any respect for you, we do. Madam Speaker, that is commendable. And here we are, the very people who figuratively spat on us, we are giving it all to them. And the memories of our forefathers are being destroyed in one fell swoop. All of that work painstakingly done to protect and enhance the very people who are giving it away. Oh God. I hope they don't turn in their graves. I really hope not, because, Madam Speaker, we, us, and more so, the lawyers in this place, and in particular those who are home grown must feel a moral obligation to carry on that legacy and protect future generations.

Madam Speaker, sometimes I wonder what the charge is against one who has responsibility to protect their own and the unborn and don't do it; who renege in their responsibilities to morally protect their own. Some might say it is tantamount to treason. I don't know. I don't have an opinion on it. But certainly, Madam Speaker, with all the evidence presented by this side . . . because you notice, Madam Speaker, they are not getting up. They want us to read the letters. They don't want to read them because they have all received them. But, Madam Speaker, for them to ignore the evidence that has been presented here today by people who have signed their names and some who have not signed their names and for that Government to ignore it, they are heartless. And that is a statement. That is actual heartlessness! Their own, their very own Caymanians are appealing to them and you mean to tell me you all are going ahead with this Bill? Really? Really? There is only one reward for that. It must be a punishment at the polls on the 24th May. And I know that there is a God above us; all knowing, all forgiving but all damning too. Somebody is going to pay for it. And it might be me, Madam Speaker.

[Inaudible interjection]

Mr. V. Arden McLean: I have to pay for it? Well, I am going to make sure you pay for it too.

[Inaudible interjection]

Mr. V. Arden McLean: Especially you and that Minister of Financial Services.

[Inaudible interjection]

Mr. V. Arden McLean: I ain't going to darken this door again? You'd better be careful. You'd better be careful.

[Inaudible interjection]

Mr. V. Arden McLean: You'd better be careful that you do not darken it, Mr. Premier.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah, well, you go on and survey.

The Speaker: Members, let's keep the comments through the Chair.

Mr. V. Arden McLean: You go on and do your survey. And since you said I am not going to be back here, you might as well take it now then.

[Inaudible interjection]

Mr. V. Arden McLean: You might as well take it now.

[Inaudible interjection]

Mr. V. Arden McLean: Your turn will come. I know your turn will come and I know it is coming but in the meantime it is mine.

Madam Speaker, he has made that prediction on more than one occasion. But I know what—if I never return here, Madam Speaker, it will not be for not defending my people. I promise you that.

[Inaudible interjection]

Mr. V. Arden McLean: Like you're representing anybody properly.

Madam Speaker, you think I worried about him?

Madam Speaker, the evidence that this Opposition has presented here today, it is obvious that these Caymanians are fed up. It is wrong that Caymanians are so fearful in their own country; fearful that they will not be able to feed their families. Fearful that if they speak up they are going to be ostracized, they are going to be blackballed in the industry; that, Madam Speaker, I say is wrong. Madam Speaker, when Caymanians cannot—*cannot*—live in their own country there is a problem. We have a problem.

Madam Speaker, the lady, Anna Gouboult, wrote and because it has been read before I just want to refer to some part of it, Madam Speaker, where she said: "I was someone who used to think of other Caymanian attorneys who raised objections as complainers, people that didn't work hard enough, until I experienced such issues personally." [UNVERIFIED QUOTE]

Those article clerks, as soon as the Bill was brought forward, someone called them and they all came here, is my belief. To them, I wish them luck in their careers but I hasten to warn them to be careful. This could happen to you. I have not received your letter despite the papers saying that it was sent to me, and I certainly would like to see what is in it. But those are the ones, Madam Speaker, that have not gone in deep enough yet. What I can say to them is that the sidewalks in George Town are littered with the carcasses of lawyers who, after they went through their article-ships, within a short period of time they were dismissed from the firms. They had to go and find alternative work to feed their families. These are testimonies of Caymanians who have been through it and thought it could not happen to them. I encourage you to be very careful. Be careful who you follow.

Madam Speaker, let me know turn to this thing about no one knowing about this Bill, about the complaints. As early as in my time, as early as in 2002 there were complaints and that is as far back as my knowledge goes to these complaints and the *Hansards* will bear me out. No one need to say that these

things were not brought to the fore a long time ago. What we can all say is that no one did anything about them.

In 2002, Madam Speaker, the then Attorney General, David Ballantyne, brought an amendment to the Bill in this honourable House which was to increase the fees to the law firms. That is when it was done. I was a Member of this honourable House. And at the time he spoke about it. Yet, he did nothing about it. He spoke about the overseas offices and I read from page 807, Thursday, 19th December 2002:

“They also bring in the issue of attorneys in overseas offices of Cayman firms which they say enjoy the privilege of connection with the Cayman Islands but would not pay for that privilege. If they will excuse me saying so, they have also asked for time to pay by installments because of the conjunction of the payments in December and January.

“These are policy matters, in my submission, they are not matter of law and I am not doing, other than articulating the Government’s policy position. It will no doubt be addressed in debate and if appropriate, they can be dealt with in a wind-up submission. I will be grateful if Members could point out anything with which they disagree. I am sure they will if they do in what I have said. I apprehend what the Bill is seeking to do. It is no more or no less than putting the lawyers in the similar position to the accountants.” [Official Hansard Report, December 19, 2002]

Madam Speaker, the overseas matters have been around since. In 1982 it was up for discussion but that was before my time. And then, when I went to Cabinet in 2005 it became an issue on my watch too. And when it was circulated I read it and they visited Cabinet. The entourage included at least three from Maples, the Third Elected Member for Bodden Town, the Minister of Financial Services, the Fifth Elected Member for George Town, and I looked at the then managing partner of Maples, Mr. Jennings, and I quite nicely asked him if he knew Janet Jackson and when he responded he said ‘yes’. I said, *Well, may I remind you of her song?—What have you done for me lately?* Nothing has been done to give Caymanians opportunities. The Minister of Financial Services was adamant that I did not understand because it appears as if you are not a lawyer you do not understand. Well, that is not true, Madam Speaker. He tried to explain to me that BVI and other countries were doing it. I wanted the evidence and it is yet to be delivered.

We moved ahead to 2010, Madam Speaker, when the now Leader of the Opposition had a meeting at Reliable Services and the Member for North Side went through and explained part of it where there was about three different versions of the Bill. And, Madam Speaker, we were not getting anywhere and I looked at them and said, *We know how many of your partners we made Caymanians. The question is: How*

many Caymanians have you made partners? I said when somebody can answer that question, then, you can call me back. I have not been called back there since.

In 2011, Madam Speaker, I wrote the [Cayman] Bar Association chairman too, Mr. Dale Crowley. I wrote a letter talking how people had come to me complaining and laying out all the concerns that people had. So, no one must say that it has not been brought to the forefront.

Madam Speaker, we have heard Ian Paget-Brown. I was the witness to his submissions to the court on January 2013. Nothing has been done to address the plight of Caymanians. And some of the lawyers we have here went through the same thing. It is for them to get up and give their testimony in here.

[Inaudible interjection]

Mr. V. Arden McLean: All of them.

Madam Speaker, this Bill does not correct the ills of the last few years. It does not go near it! I have submitted 100 plus amendments, but I understand that they will fall on barren soil. I understand that, because this Minister of Financial Services is hell-bent on putting this Bill into law the way he wants it there. That is his mission. I wonder, Madam Speaker, if that was his intent in coming here. It appears like he is on a mission to get this Bill turned into law the way he wants it. That is sad, Madam Speaker. The Motion that I submitted is a direct result of us not doing what is right in this Bill. We cannot, We cannot grandfather people we know nothing of. And the Minister cannot tell me that of the 200 lawyers practising Cayman Islands law overseas and however many of those have been doing it without a practising certificate, he cannot tell me with any degree of confidence that they are fit and proper because 1) he would not know; 2) they have not been scrutinised by the courts nor the Attorney General. We do not know who they are. And as honourable as we like to think this profession is, we have heard from lawyers therein in letters, names signed and anonymous, that plainly says that they are issues of circumventing the law.

So, Madam Speaker, I am justified in submitting that motion because it only talks about things that we believed was going on and now we have them confirmed by the very people who work therein. They have even taken the time to write to the Chief Justice with the same exact accusations. And, Madam Speaker, you know what concerns me most about the treatment of Caymanians in there and how we are going to now give them a ticket through this Bill to treat them even worse, is that some of these letters (and everybody has them so I am not saying anything that cannot be followed) and in one from early 2016 there is a clarion cry from our people. Every one of the letters talks about the lack of opportunity and the fear

that they have to speak out as Caymanians, without fail.

Madam Speaker, I was so upset with one that I received which was entitled "To Whom It May Concern" and signed by a "demoralised Caymanian". I want to read one paragraph with your permission, Madam Speaker. And this bothers me.

The Speaker: Please proceed.

Mr. V. Arden McLean: "I am an extremely hardworking and educated Caymanian. Had I turned my back in Cayman and stayed in London to complete my training contract, today I would have had a much higher position and been treated with a lot more respect.

"I do not encourage young bright Caymanians to come back if they don't have to anymore, as they will have much more opportunity elsewhere. This is truly a sad state of affairs. Someone who is fully vested in Cayman and connected to the community here is shafted for an individual that is transient, self-serving and could not care less about the local community." [UNVERIFIED QUOTES]

Madam Speaker, if that does not tug at the hearts of the Government and in particular, that of the Minister of Financial Services who has taken over the Attorney General's job, then nothing will. Nothing will! Madam Speaker, when I read it, I wrote two words alongside of it with three exclamation marks. I wrote "my son". He told me the same thing; that there was not anything here for him and he is not doing law. Madam Speaker, it is a sad day.

Madam Speaker, I started sailing the sea when I was 18. When I was 28, I was dying to come back home! I needed to come back home! I wanted to come back home! They don't. They don't! And this Bill pushes them further away from their country whilst the very country that they may find a job in, people are practising the same law that our forebearers put into place for them to come home to. Do we think that is right?

Madam Speaker, even England is trying to protect their shores. As a matter of fact, Walkers, the Minister is a former managing partner of Walkers and Walkers just went to court in Bermuda to defend 100 per cent Bermuda in ownership.

[Inaudible interjection]

Mr. V. Arden McLean: Really? Really?

That Minister is proposing that there is no need for law firms in this country to be 100 per cent ownership; not even the majority! Really? Really? Really, you don't feel ashamed of yourself man? No?

Madam Speaker, is that what our country has become? That might on that side will rule the day and kill the future of our country and our people? Madam Speaker, really? Really?

Madam Speaker, we heard the Premier say I ain't coming back; that I will never grace these seats again. That is fine, but, woe be unto the day that the Premier and the Minister of Financial Services get caught because their day is coming. You all have a day. Every dog has his day and a good dog has two and I am entitled to at least three barks.

Madam Speaker, no one wants to destroy the financial industry. No one wants to do that, at least not me. I understand like democracy, our country's economy stands on three pillars: development, tourism and financial services. I understand that, Madam Speaker. Despite what they think, that because I am not a lawyer I do not understand it; that is their mistake. Madam Speaker, if either one of those pillars is removed, it will cause our economy to collapse and it did. If we all can remember, in 2000 when the world economy took a dive south, we had our own difficulties. We even had to borrow money for recovering expenditure, something we had never done before. It was always cap X. So, I understand that. Do not be fooled. But, Madam Speaker, when we allow or do not allow Caymanians to share in it, do not allow Caymanians equal opportunity, and think that they are stupid and then we come here and make laws to promote that, enhance it and say we are not ashamed? Oh what a day of reckoning it will be.

You know, Madam Speaker, I think it must have been in 2010 or shortly thereafter, the young UDPs and the young PPMs, there was a joint meeting about this Legal Practitioners Bill. It might have been in 2012 or somewhere in that region. The leader of the PPM, Mr. Alden McLaughlin pointed out that –

- a. "the entire Legislative Assembly is in support of changes to the LPB which creates equal opportunities for Caymanians;
- b. the PPM and UDP differ on many issues but this issue is not one of them;
- c. that he and his administration were lobbied aggressively by a number of law firms to pass the Legal Practitioners Bill as is, but there was no agreement within his Cabinet to do so."

That is true because, Madam Speaker, in Cabinet I said (me) and reminded my fellow Cabinet Members that the people of East End did not elect me to Cabinet. They asked me to join them in Cabinet. The Attorney General was there. I told them it would not be up to me nor could I stop them bringing that Legal Practitioners Bill here for passage, but what I could do was to debate it on that side as the Minister of Works and pick up my little package and walk over here and sit where the people elected me to be. Did I not tell unna that Tony?

[No audible reply]

Mr. V. Arden McLean: So, he was right in that regard.

- “d) it would appear that since the law firms are having a number of problems with their overseas practice they now want the current administration, as they did under his administration, to pass the Legal Practitioners Bill, not because of some newfound moral commitment to address the concerns that Caymanian lawyers have had and continue to have;
- e) politicians continue to receive complaints from Caymanian lawyers about unfair treatment, unequal opportunity, discrimination, inadequate training and exposure, fear of speaking up about the issues within the firms and the fear of losing their jobs.” [UNVERIFIED QUOTE]

[Inaudible interjection]

Mr. V. Arden McLean: That is 2012.

“He was bitterly ashamed that the CBA has not addressed this issue as a body responsible for looking out for the best interest of Caymanian lawyers.

“He found the comments made by Charles Jennings as the Chairman of the CILS at the opening of the Grand Court for 2011, about law firms not being required to provide articles for Caymanian lawyers quite distasteful;

- h) cosmetic changes to the LPB will not work;
- i) he could not see any of his colleagues in the LA agreeing to pass the LPB unless the issues raised by Caymanian lawyers were addressed.

“Finally, there is the practical issue of trust, politicians, current and past, are saying that if after 30 odd years there has been no real ‘Caymanian integration’ within the firms and there are recurrent complaints to politicians because Caymanians fear victimisation, legislators will find it impossible to convince the Caymanian community that they are in favour of Caymanian law being practised abroad by foreign lawyers or other professionals who may not even know where the Cayman Islands are located.” [UNVERIFIED QUOTE]

Madam Speaker, I understand that we have some new people here now, but the current Premier said that, not me. He said all of that to your youth arm and his youth arm at the time. Have we taken a detour? Or is it because the new people who came in 2013 had a different mandate or a different responsibility or a different commitment to someone else? I don’t know but I know what—they have spun the Premier’s head around on his shoulders. He has detoured and gone all over the place. Really? There must be some consistency with us.

Madam Speaker, I will tell you that I was adamant that no law should be practised overseas. As of late, maybe I have softened, I will concede but I have

been convinced to support it in a limited way. I have been convinced, Madam Speaker, I will admit that. However, being convinced does not mean they are not going to pay for it. Do you think the little \$2,000 that unna got in there to charge them or \$2,300 or \$3,500, that’s all? I think they have changed it now to \$3,500 or something. Madam Speaker, Mr. Ian Paget-Brown in 2007 talked about when they wanted to increase to 132 to 180 lawyers overseas, that Jennings said the industry needed them. Part and parcel of it was the managing partner of Walkers too, at the time. We have conservatively calculated if those lawyers were in this country on work permit, the country would have gotten \$2,000 every year for them, their practising certificate. Over a 10 year period that is \$3.6 million. If we had gotten an average of \$25,000 per permit, that calculates to \$45 million.

I do apologise, this document was not tabled and I think we need to do that.

The Speaker: So ordered.

Mr. V. Arden McLean: If you can get copies and at least get one for the Speaker quickly.

Madam Speaker, this is the kind of money we are talking about. They love to throw this \$32 million around that they say this country benefits from this overseas practise. What about the rest? Madam Speaker, it has been calculated based on knowledge of how the law firms expect their lawyers to build their salary times three or something of that nature. Madam Speaker, I don’t know anything about it but I know what—Ian Paget-Brown knows about it. And Sammy Jackson knows about it and Selina Tibbetts knows about it and Richard Barton knows about it and Akiumi knows about it (do you expect me to pronounce his name?), and Vaughan Carter knows about it and they have calculated over that 10 years \$1.8 billion gross. Madam Speaker, do you think that is right, that we only got \$32 million out of it? And it is the laws that we come here, that they have me up until three o’clock in the morning studying? Really? Really? That we all have to do research for and have had sleepless nights wondering when OECD [Organisation for Economic Co-operation and Development and FATF [Financial Action Task Force] and the Leader of the Opposition, the now Minister of Financial Services, the now Premier travelling, trying to manoeuvre to stay compliant, and that is all we got out of it? Madam Speaker, these are estimates now, not for the purposes of factual discussion. But, Madam Speaker, I bet you those numbers are close.

The Speaker: Just as long as they are not alternate facts at this hour of the night.

Mr. V. Arden McLean: Madam Speaker, there are some alternate facts that they are throwing out around the place though, especially those people who have

these full page or are prominently displayed on those full pages in the papers supporting this Bill. They know better. Now, that is alternate facts! They know better? They know the difficulties they had in the industry too. They need to stop lying. They need to stop lying. That's alternate facts that I know of.

Madam Speaker, another clear fact came through all of these letters. And I am not going to venture to say that there were hundreds but I will bet you that over the time I have received 10 to 15 letters—no training.

Now, Madam Speaker, I want to touch on that section of the Law that this Minister is supporting and trying to dangle a bone or a little bag of candies to play piñata with. The section about this Business Staffing Plan, I don't know why these people think that nobody understands but them. We went to see the CBA, Madam Speaker, at the latter part of last year, the executive over at Walkers building and no, nothing happened to us.

The first thing Mr. Abraham said to us was—*The Bill is not perfect.*

So, my response to that was—*What is not perfect in it? If you know some part is not perfect, let us deal with that. That is the logical thing to do.*

He said—*For instance, we put in here the provisions for the Business Staffing Board.*

I said to him: *I need to stop you right there. You have no authority to take over the responsibility of the Government. Now, you may tell me that we, as a government, have failed in the provisions of the Immigration Law, but so has every law firm. He wanted me to explain. I said— Well, you all are the bastions of decency and ethics. You accepted a condition on your work permits and did not fulfil it.*

The Speaker: Member, you have 56 minutes remaining.

Mr. V. Arden McLean: Thank you, Madam Speaker.

Remember, I said the second major complaint is the lack of training. Madam Speaker, it is fair to say that there are less Caymanians than there are work permit holders in the legal profession. In most instances, when a work permit is issued for professional managerial and the likes, they have a condition there that they must train a Caymanian. So, Madam Speaker, I wanted to know and I ask them: What evidence can you provide to me, which would suggest that putting that provision in this Bill, that you will do it? You have not been good corporate citizens, therefore, you cannot provide the evidence that you have been doing it. And if you had been doing it, 1) you would not get the complaints that we are getting; 2) you would not have to worry about putting it in here. The Attorney General likes to say there is no need for duplication.

Now, Madam Speaker, I totally agree, we have failed. We have failed. The Government has failed in its responsibility to enforce that section of the

law. Whether that is by virtue of omission or commission, I don't know. I believe it is the lack of human resources to have a proper taskforce in place to do audits on those provisions. But the lawyers have done nothing to fulfil their legal obligations and now they want to take it away from Government. What are we doing? Is this dangling a carrot in front of us, in front of the Caymanian people to say, *See, we are going to hold them responsible for training and they are obligated to do it by law.* Madam Speaker, they have been obligated by law a long time and they did not do it. And, Madam Speaker, they can't get up and say they have not been obligated by law.

Section 44(1) of the Immigration Law (2015 Revision) reads: "**The Work Permit Board, the Business Staffing Plan Board or the Chief Immigration Officer, as the case may be, in considering an application under section 42—**". It goes on to list some.

Section 44(2) says: "**In relation to the prospective employer, that- (c) in the case of an application in respect of a professional, managerial or skilled occupation, the Board or the Chief Immigration Officer, as the case may be, is satisfied as to the extent to which he has established adequate training or scholarship programmes for Caymanians; and (d) in the case of a worker who has a ten year term limit which took effect prior to the commencement of the Immigration (Amendment) (No.2) Law, 2013, the extent to which the employer has contributed to the national training initiative.**"

Now, what I do now is to call on the Minister of Education to get up and tell us how much the law firms have contributed to the national training initiative. I'm not saying they have not, Madam Speaker, I am saying I want to know.

Madam Speaker, it is in law. This Law is Law 34 of 2003 wherein we repealed the previous Immigration Law. It has been in place. There is no evidence to suggest that there are going to do it now by putting it into this new Bill. Ah, Madam Speaker . . . you know, really, unna really need to be ashamed of yourselves.

Clause 73 in the Bill says, Madam Speaker: "**This Part applies to a law firm – (a) that wishes to apply for a work permit for a person to work in the law firm in the Islands; or (b) that wishes to apply for a practicing certificate for an attorney-at-law who practises or is to practise Cayman Islands law in another jurisdiction.**"

Clause 74 says: "**Every law firm to which this Part applies shall submit to the Business Staffing Board, a business staffing plan that complies with – (a) schedule 3 of the Immigration Regulations (2015 Revision); (b) this Part; and (c) any rules made by the Council.**"

By Council, you know.

Section 75(1): “This section applies if a law firm – (a) applies for a work permit for a person to work in the law firm in the Islands; or (b) applies for a practicing certificate for an attorney-at-law who practises or is to practise Cayman Islands law in another jurisdiction.”

Section 75(2) says: “The managers of the law firm shall ensure – (a) that at the time the application is made the law firm has a business staffing plan that complies with this Part; and (b) that the grant of any work permit or practicing certificate as a result of the application is in accordance with the business plan as in effect at the time.”

Section 75(3): “Despite the fact that a failure to comply with subsection (2) may constitute professional misconduct by managers of the law firm and may result in a complaint being made under section 95, any such failure may also make the law firm liable to the penalties prescribed under the Immigration Law (2015 Revision).”

What it did? Little and nothing!

Section 76(1): “The purpose of the business staffing plan that complies with this Part is to ensure that when recruiting staff a law firm accepts a commitment to provide opportunities to Caymanians.”

Wow! Wow! Wow!

Section 76(2): “A business staffing plan of a law firm shall make reasonable provision to give Caymanians access to the legal profession, including training and development, and subsequent equitable progression within the law firm.”

Really? Madam Speaker, I did some highlighting a long time ago on that. O-h-h!

Madam Speaker, 76(3): “A business staffing plan of a law firm shall contain details of how the law firm intends to comply with the provisions of Part 2 of Schedule 2.”

Section 76(4): “The business staffing plan shall also contain a provision that, if an attorney who is not a Caymanian is proposed as a partner in a law firm but is denied a work permit to practise in that position, the law firm will not, for a period of two years from the date the application for the work permit was denied, apply for a practicing certificate that would allow the attorney to practise Cayman Islands law as a partner in an affiliate of the law firm.”

Madam Speaker, you know, honestly there is no need for us to duplicate efforts. That is why we need to have them subject to the Trade and Business Licensing Law. But we are exempt in that. Madam Speaker, it was in the day when Maples and Campbell and those came here and we had people like Mr. Warren, Mr. Anton and Miss Annie who were appointed then or something of that nature.

[Inaudible interjection]

Mr. V. Arden McLean: Yes, I understand that.

Madam Speaker, they are Caymanian lawyers now. There is no need for only one Caymanian to be a partner. Madam Speaker, I am even prepared to allow a period of time for them to become compliant and thus we are proposing that in the amendments. Why are we pushing all that we have ever worked so hard for, further and further and further away from the possibility of Caymanian ownership? I wonder if we have ever thought of what we are doing. We will never get it back. And, Madam Speaker, this thing about don't believe in affirmative action, honestly, trust me, if we don't do it, they ain't going to do it!

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, in the 60s in America when that concept was introduced it was a bad thing. Today it is a way of life. We need to start someplace. No, Madam Speaker, I agree with the Premier and I agree with the Minister of Financial Services, I don't want to put Caymanians in place just because they are Caymanians, but, Madam Speaker, no one is going to tell me that we only have the propensity to be accountants. Cannot tell me that!

Look, Madam Speaker, the Minister of [Financial] Services, the Minister of the other one, four lawyers lined up right there. You mean to tell me all of them dumb? No! The Premier was lucky. When he went with Mr. Adams he had an affinity towards the Premier and he pushed him and pushed him and pushed him until he could push him no more. He went to give it up. But mind you, it was two of them out there who tried to kill him too. They eventually killed them . . . not killed him but pushed him out because of his service to his people. And today they are big partners! He would not make me do what I had wanted to do. Madam Speaker, that is how they do it! Every opportunity they got they pulled the rug from under the Premier's feet. They took away 9 per cent one time and a little 2 per cent and a little 3 per cent and before he knew it his heart was full and his hands were empty.

[Laughter]

Mr. V. Arden McLean: He knows! That gentleman knows what it is to get the rug pulled from under his feet. Believe me, I know he knows! I know, Madam Speaker, the Premier knows what it is to get his legs chopped right off and the prospects of his family surviving on the profession that he gained here in this country looked dimmer and dimmer every way because of that fellow, fear and Findley. They want to call names . . . he said I'm not coming back here so I might as well call their names now.

[Laughter]

Mr. V. Arden McLean: Madam Speaker, this is what has happened here. The only one that got any little success out of it was the Minister of Financial Services. And trust me, I know, Madam Speaker, he may tell us otherwise but somewhere deep in there they got a little piece out of him like Pacman too. Him! You didn't get anything. That Member of Finance did not get anything. What he got were heartaches and hands empty out of where he was. Same thing, Madam Speaker! Nevertheless, he was an economist before that and all those things. But he is dumb. He is supposed to be dumb. Do not support this man in what he is doing.

[Inaudible interjection]

Mr. V. Arden McLean: It does not matter whether you win or lose at the next election. I promise you can't get another job in Cayman so you might as well do it now and help your people. And for the Minister of Education, she is the same way. World College, York, all kinds of colleges, all kinds of universities and then did law.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, they know what it is. Maybe the Minister of Education not as much because she was not in it that long. But that Minister of Finance knows it. The Premier knows it. And, Madam Speaker, last but by no means the least, the Deputy Governor knows about it. That is the other lawyer that nobody is paying attention to. He knows about it too. And finally, that Attorney General; if you think he does not know about it . . . he knows.

Madam Speaker, do you know what they did to him? Do you recall earlier that I spoke of 2005/2009 when we were in Cabinet? He proposed a code of ethics that was from the Caribbean and they rejected it. They rejected it—that same gentleman there, the Attorney General. They slapped him in the face with it. They have absolute control and they are giving them . . . I don't know if absolute and total are the same thing but they are giving them over the top now, the control of this industry. Don't do that. Please don't do it!

[Inaudible interjection]

Mr. V. Arden McLean: What are you talking about sit down? You had better try to get up and defend your people. That is what you had better do.

Madam Speaker, the opportunities . . . Madam Speaker, we will be held responsible for taking the opportunity, the option in this country for unborn children to have. It is an option whether I do law or engineering.

Madam Speaker, since being a Member here and to be exact in 2012, the [past] Member for Bodden Town, Dwayne Seymour moved a motion and

Captain Eugene seconded it: **"BE IT RESOLVED THAT the Government take all necessary steps to provide an interim programme in the Legislative Assembly that can be used as credit towards the Articles of Clerkship Requirements for qualification as an Attorney at Law in the Cayman Islands."**

Madam Speaker, even then, the Premier supported these firms giving Caymanians opportunities. And one noteworthy section of his debate at that time appears on Wednesday, 11th April, 2012, wherein he says and I quote:

"So, I do hope this information (which I received just last week and earlier this week) about this move afoot now to do away with articles is not true; that somebody has gotten that wrong from the sources that they are talking to. Because, that, Madam Speaker, is something I will personally fight tooth and nail as long as I can draw breath." (Noteworthy) **"I have no personal dog in this fight anymore. I have done my time and gone all the way through. My wife, after 10 years of long suffering and hard battling and struggling also to get articles, was admitted two weeks ago. But because of those struggles and because of being intimately involved in this system for the last 29 years, and because that is where I qualified, I have a great deal of concern, admiration, love, respect and gratitude for the opportunities that that law school has afforded me, and now my wife, and a whole range of other Caymanians."** That is in 2012 that the Premier said that.

Madam Speaker, in my contribution I said and I quote: **"Madam Speaker, the Leader of the Opposition said that he does not have a dog in the fight, well I do! And I have plenty dogs; but those dogs are not born yet—future generations in this country. And those as of now, too, many of them out there suffering as a result of the travesty that their older counterparts have brought upon them. This is the only place—the Cayman Islands. When I retire I am going to write my memoirs and the title of it is going to be 'Only in the Cayman Islands.'"**

Madam Speaker, we cannot be afraid to speak. I suspect that the Government will not allow that Motion to see the light of day. I suspect that. They are going to drag this out and ensure that it does not get there. That is what I suspect. That Motion is timely, it is grounded in truth, it is necessary and it needs to be done.

The Speaker: Member, you are getting awfully close to anticipating so please do not speak any further to the Motion which has not come on the floor, but continue your debate.

Mr. V. Arden McLean: Madam Speaker, well, I guess if I get an opportunity, I will get two bites at the cookie. But I know the Premier is not going to give me two

bites at the cookie so I am going to trim my sails as close as I can.

The Speaker: There are no more sails to be trimmed, you have already entered into that area of the Standing Order to anticipate, so please use your remaining minutes to make it relevant to your debate.

Mr. V. Arden McLean: Madam Speaker, how much time I have?

The Speaker: Your time concludes at seven minutes past ten.

[Inaudible interjection]

The Speaker: I am going by the clock on the wall.

Mr. V. Arden McLean: Maybe one of these days we need to put a digital one here because of all the interventions by them, you know, that . . . should stop it and then I get more time.

Madam Speaker, my colleagues have passed me yet another letter. I guess I have been instructed to read this letter and this is from another unsigned Caymanian. Madam Speaker, this is a letter written to Minister Archer and Mr. Connolly. That Mr. Connolly happens to be the Member for George Town. And it reads:

"I refer to Mr. Connolly's Facebook posting where he welcomes input anonymously requested on the draft Legal Practitioners Bill. I have not seen a copy of it but have heard through the grapevine that certain persons in private practice in the large law firms are concerned about the proposal to change the PQE requirement for expat lawyers from three to five years. And I refer to you a copy of a letter sent to Minister Panton which I have copied and attached.

"I do wish to remain anonymous and therefore shall not sign my name to this but I am Caymanian and have been practising for more than a decade in the Cayman Islands and have been in the legal community for over 20 years. I, for one, cannot support the attached letter. I am not at the beginning of my career. I no longer have any dreams that if I work hard enough and try hard enough and do whatever I am asked, that I will eventually make it to partnership in private practice. The law firms have had 20 years of my life to prove to me that they are even slightly interested in supporting Caymanians, whether born here as children of the soil. They have failed so thoroughly and so completely that I regret becoming a lawyer. I should have been an accountant or auditor, as those firms have shown leadership in protecting Caymanians while appropriately promoting expats.

"The crux I believe is that for too long the Legal Practitioners Law has been massaged by those law firms that have put profits over country. Those law firms have made a mockery of the Cayman legal prac-

tice where a Caymanian partner is an anomaly to be fawned over in amazement and rather than an everyday occurrence. I believe that it will not matter if the PQE for expats changes to five years or ten years or is reduced to one year. The law firms have shown repeatedly that they will screw over Caymanians time and again.

"Maples have told senior Caymanian associates who have been trained by Maples partners and are billing at the top of the firm ranks, that they somehow lack to ever advance to partnership while there are expat colleagues billing less are feted and giving six figure bonuses.

"Appleby, oddly enough has had to repeatedly make midlevel associates redundant; almost always, Caymanian associates whose positions are confidentially filled by midlevel expats a few months after the redundancies.

"Conyers makes high level Caymanians associates redundant to make room for expat partners who have never practised Cayman law and need to be trained for those high level associates.

"Walkers fail to take Caymanians on marketing trips and then refuses partnership on the basis that the associates have not done enough marketing.

"Let's not forget GFC in 2008 when Caymanians barely held on to their jobs while many major firms made huge efforts to retain expat lawyers in those positions held by those Caymanians and then made them redundant or otherwise managed them out.

"As you well know, all of the major law firms use Caymanians for their own ends. They fail to train us appropriately if they do train. And there are some others that make up reasons out of our control that means we cannot move up, only magically discovered when we are five to eight years PQE. Of course, when there is no way to fix it and generally treat us as an obligation. This is a huge contrast to the other countries where the expat attorneys originate. Although we are a part of the UK, a Caymanian trained attorney cannot work in the UK without undergoing additional studies and passing vigorous exams. In Canada most foreign attorneys must go back to university and study for a second LLB and then re-article. This includes UK lawyers. In Australia foreign attorneys must requalify and take vigorous examinations as well. In these jurisdictions many, having desperate need for qualified attorneys to serve their increasing populations, the legislatures have accepted protecting the local practise of law for the citizens of their countries an important and valuable goal."

Precisely what I said earlier!

"In Cayman not only are the lawyers under-regulated but the practise of law internationally is akin to the Wild West." (Wow!) "The state of affairs has been actively supported by the law firms taking more jobs away from Caymanians. It wasn't until recently that Caymanian attorneys were even given the oppor-

tunity to visit these offices. Caymanian attorneys were segregated to small matters of little importance in Cayman. In that respect, any changes that were made to the practise of law in Cayman must apply to the practise of law outside of Cayman, otherwise the law firms will take all of their staff and their profits permanently offshore.

"I do not believe that minor amendments to the PQE requirements will come close to protecting Cayman's interest. Any changes will be fought aggressively by the law firms as they have no desire to change the cash cow that they have been milking to the detriment of these Islands and our people. I believe that the following changes should be considered to protect Caymanians from the law firms. Note that by Caymanians I have included those persons who have status or have residency with the right to work by virtue of being married to a Caymanian. They are also unduly limited.

1. "No Caymanian lawyer should be made redundant in a law firm unless all of the work permit holders have been made redundant first. This protects Caymanians and at the time of the downturn work permit holders should not be retained at the expense of Caymanian careers. This should include article clerks as well.
2. "No new work permits or practising certificates should be approved until the numbers of Caymanians in the firm are back to pre-redundancy levels.
3. "All Caymanians should receive salary and benefits within 10 per cent of the highest paid expat in that division with the same PQE. This avoids the mischief that concerns Mrs. Right. The law firms will use five year PQE as a rule to artificially lower Caymanian salaries.
4. "In-house council and professional support lawyers should be for Caymanians only. Recently, there was an ad for a professional support lawyer for a Cayman firm requiring five years PQE of UK law. This is absurd as the lawyer would know nothing of Cayman legal precedence and would have to be trained the same way as a Cayman lawyer new to the role would be.
5. "All Caymanians that have been made redundant or refused a position should be able to write to the Work Permit Board setting out the circumstances of their redundancy or refusal.
6. "Work permits for partners whether salary or equity should not be used where the firm at the time of the application for the work permit has appointed to the partnership salary or equity respectively, a minimum of 33 per cent of partners who were Caymanians at the time of or before their appointment to partnership. This avoids firms using partnerships as a way

to guarantee PR for expat employees by avoiding rollover.

"Law firms practising Cayman Islands law should abide by the above, regardless of their location, and failure to do so should result in no practising certificates being issued to that firm until they are in compliance. Yes, I understand that this is a dream wish list but I believe that the law firms have done much too little and have destroyed the careers of too many Caymanians without repercussions. Short of incapability, Caymanian attorneys should be protected above expat lawyers at all levels and for all reasons. It is high time that the Legislative Assembly protect the very Caymanians who are expected to vote for you, rather than putting it into the hands of the very firms that have shown time and time again that they are simply uninterested in helping Caymanians be great lawyers. Too many expats treat being a Caymanian lawyer as a right for an expat and a privilege for Caymanians. It is high time that the status quo changes for the good of the country and of the people.

"Thank you for your time." [UNVERIFIED QUOTES]

Madam Speaker, that letter was only repeating what I have been saying all night. It is time for us to take stock. It is time.

Madam Speaker, you know what is funny about the accountants, and I ain't saying this to float the Second Elected Member for George Town on any cloud or anything. Recently, the accountants wanted to change some section of their . . . they were doing amendments to it and the Minister was increasing some charges in their law as well. Dan Scott and Sherrie Ebanks called and wanted to meet with us on this draft Bill. We went to their offices, the four of us (and you did separately). They went through it with us, Madam Speaker . . . well, they had sent it earlier and we had all read it and we went through it. There were some concerns that I had so the meeting was not concluded. We set another meeting and they were going back to the Minister with our concerns. They came back and it still was not the way we thought it should be, or another section or something. They went away and they came back and we went to a luncheon meeting with them and we went over it. And, Madam Speaker, when that Bill came here it was passed without objection. This was recently. But, Madam Speaker, no one wants to do that.

Recently, they tried using Cayman Finance.

You see that little Alasdair Robertson . . . anyway . . . I have to tell him that I am going to be around here a long time. And I am going to be planted right in that sand up in East End. He has to watch his mouth.

Madam Speaker, they wanted to have a meeting. I was not adverse for a meeting. I would never object to a meeting, however, I wanted an agenda. I never go into anything unless I know what I am going

to talk about. Tell me what I am talking about. But that little fresh—

[Inaudible interjection]

Mr. V. Arden McLean: Fresh fellow man

[Inaudible interjection]

Mr. V. Arden McLean: That was not any close; that was deliberate.

An Hon. Member: He know what he was saying.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, it would only take Kurt and Alden to do that.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I don't find it right now, but he sent the Member for George Town a one line thing after our lawyers asked him! Sent him the terms!

[Inaudible interjection]

Mr. V. Arden McLean: But that is the kind of behaviour they have! Alasdair Robertson! I don't even know him.

[Inaudible interjection]

Mr. V. Arden McLean: Thank God.

His father-in-law came to me and asked me why I am giving his son-in-law a hard time. I said, *I don't know your son-in-law.*

He said- *Alasdair.*

I said- *Who? Who is it?*

He said- *Alasdair Robertson.*

I said- *That is your son-in-law? Can't be man! You would make him marry your daughter?*

[Laughter and inaudible interjections]

Mr. V. Arden McLean: I don't want to know him.

Madam Speaker, that is wrong, the kind of way they treat you, with disdain, disrespect. But you know what I notice, Madam Speaker, all those lawyers who have ever been or are managing partners, treat others the same way. I say no more.

Madam Speaker, I was going to Jamaica year before last and a gentleman came on board and I was in Business Class in the aisle seat and he said he was by the window. So, I said, okay. I got up, helped him with his bags and when the aircraft was taxiing out I said to the gentleman, *Do you live in Cayman sir?*

He said- *Yes sir.*

I said- *Oh.*

He said- *I've been there for 20 years.*

I said- *20 years and you mean to tell me I don't know you?*

He said- *I know you.*

I said- *Oh?*

He said- *Yes I listen to you on the radio every Tuesday morning.*

I said- *You do?* So, I said to him, *What is your name?*

He said- *Lumsden.*

I said- *It is you? You nah the one from Maples though?*

He said- *Yes.*

I said- *Oh yeah, I only have one hour with you but your ears are going to ring in that, and ring they did. And he asked me to give him an opportunity to clean up the past. I suspect they were the ills of the past.*

The Speaker: You have 7 minutes remaining.

Mr. V. Arden McLean: Madam Speaker, I will tell you a story. I said, *Well, I am going to tell you what. We are both going to Jamaica. You remember that brown soap that your mother used to wash clothes with, you ain't got that much space on this plane to bring back enough to clean up Maples and Calder. You can't wash it off boy.* They continue with the same behaviour they have always done of not giving Caymanians opportunities. Madam Speaker, this is no originating idea from me, the letters are here to prove it. I have not seen him since but one day with the help of God I will. I hope he remembers what he said to me.

Madam Speaker, when they hear us complain we complain just for complaint sake or for politics because of wanting to get re-elected. That is not true. Madam Speaker, I know what, there is a great equaliser called a pencil in this business called politics. This is our responsibility to defend our people.

Really? Currently, there is a 3 years PQE required to come here if you are coming on work permit. In 2007 I believe we proposed 7, was that it? Seven or five it was, Madam Speaker. These people have allowed that Minister to propose 4. After January 2019 you know what they are going to do, Madam Speaker? They are going to fill their firms up with 3 year ones, between now and then. Why do they need it to be staggered and delayed? Tell me now, Madam Speaker. There must be something sinister about it. This is the most incestuous set of people I have ever met. And I must settle for it while unna sit there with unna smug look.

[Inaudible interjection]

Mr. V. Arden McLean: Not you? You're in it. You are the first one.

Madam Speaker, I know a lot of the technical aspect of this Bill has not been debated. I tried touching on some of them but in the—
[Inaudible interjection]

Mr. V. Arden McLean: What?

[Inaudible interjection]

Mr. V. Arden McLean: No, tell them to jump ya. That is what you tell them to do.

[Inaudible interjection]

Mr. V. Arden McLean: No, you heard what he said. You're trying to deflect it. You think I don't know you already? You've been the worse one out of us in here all along, from the time we came here.

Madam Speaker, it is sad that we have reached this point where—

The Speaker: You have two minutes remaining.

Mr. V. Arden McLean: Yeah, but I am going to punish you for those two minutes. You are going to get that.

Madam Speaker, it is said that we have reached this point where we are not listening to our people. I implore the Government to withdraw this Bill and allow the next administration to do it, whether it is them or not. This is the eleventh hour. I hope it is not that they are doing it so that it can be done and people become licenced and then human rights start hitting that you can't reverse. I hope that is not the ultimate intent because that is not going to happen. Someone is going to have to repeal much of this Law. I cannot say it will be in full but much of it will have to be repealed. I don't know what the intent is, Madam Speaker, I don't know. That is left to them to tell the public when the time comes. Let them be the judge of what they will tell the public and let the public be the judge of what their future holds for them.

Thank you.

The Speaker: Does any other Member wish to speak? I recognise the Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Madam Speaker, I beg to move the adjournment of this honourable House until 10 am tomorrow.

The Speaker: The question is that this honourable House do now adjourn until 10 am tomorrow.

All those in favour, please say Aye. Those against, No..

AYES.

The Speaker: The Ayes have it.

The House stood adjourned until 10 am, Friday, 10th March, 2017.

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