

Remarks by His Excellency, the Governor of the Turks and Caicos Islands, on the admission of two Queens Counsel to the Inner Bar

Your Ladyship, and your esteemed colleagues of both Bench and Bar,

I sit next to you, in your Ladyships Court, as the representative of Her Majesty the Queen. Today, the 4th November 2021, is the 69th year of the reign of the second Queen Elizabeth, and we are gathered here to admit Mr Oliver Smith QC and Mr David Cadman QC, to the Inner Bar.

Four hundred and twenty four years ago, in 1597, the very first Queen's Counsel, Sir Francis Bacon, was appointed in the 64th year of the reign of the first Queen Elizabeth. Those present will be relieved to hear that time does not permit us to review over 400 years of history, and the development of the role, but from the outset – and to this day – it is the formal recognition of a person steeped in their legal craft – and as a result the rank of Queen's Counsel is recognized and respected throughout the world as a mark of quality in legal practice.

Days such as today, in any profession, are important. We would all do well, whatever our walk of life, spending a little more time – than we do – celebrating sustained success rather than criticizing momentary failure. Over the last two years I've seen far more here in TCI that I want to rejoice over, with regard to peoples achievements than I would ever have wished to criticize, so let's make sure, if nothing else, Oliver Smith QC and David Cadman QC – and their family, friends and colleagues – leave these proceedings knowing how much we respect and rejoice in their achievement.

The professional backstories of – if I may – Oliver and Philip have already been captured by your Ladyship and their now peers in the Inner Bar so, rather than repeat their exemplary records, I'll simply say to them "thank you". Thank you for being the people you are. Thank you for being the professionals you are. Thank you for upholding the very best traditions of your chosen calling and thank you for being of a standard that those who selected you, had no hesitation in doing so.

You are becoming a QC, as those who proceeded you did, not through any single act of brilliance but far more importantly, and in a much harder sense, through a sustained and consistent approach to upholding the highest possible standards in an exacting profession. You pursued "excellence" not just as a destination – but as a journey – and it seems to me, today, we recognize that your journey has reached an extremely important way-point, but a way-point nonetheless.

Let me, if I may, now turn my attention to our Chief Justice in her Court.

Your Ladyship today's ceremony is important in and of itself because the two Queens Counsel we admit today are here because of a new process that you spearheaded and sit within a wider framework of modernizing our judicial processes.

The appointments we celebrate were made through the implementation of the Supreme Court (Appointment of Queen's Counsel) Rules. This removed the privately conducted selection process by which your predecessors received ad hoc applications, after which your learned predecessors may or may not have made a recommendation to the Governor for appointment – with the result that only a former Chief Justice would know definitively, why or why not a recommendation was made.

These new Rules required Mr Smith, Queen's Counsel, and Mr Cadman, Queen's Counsel, to demonstrate their eligibility through codified criteria. The competencies they were required to demonstrate include being learned in the law, skilled in court advocacy, trusted by the Bench and service oriented through the free sharing of their talent with their community and actively advancing their profession.

The importance of these Rules, which makes access to Queen's Counsel more transparent, can be seen by taking a short walk back into England's more recent history where the system of appointment to Queen's Counsel by the Lord Chancellor after 'secret soundings' with senior judges, and others, was scrapped just 17 years ago, in 2004.

The selection process in England was the subject of suspicion and perceived discrimination, crowned by a public statement of the then Commissioner for Judicial Appointments, Sir Colin Campbell, that the private sounding system was unacceptable. The Lord Chancellor even suspended the application process and there was vigorous debate over whether Queen's Counsel should be abolished altogether. We know today, which side of the debate prevailed.

Your Ladyship's proactivity has removed the chance for this kind of controversy in TCI and for that, all present are grateful. The celebrants now before the Court are the fruit of these new Queen's Counsel Rules, referred to me by the Queen's Counsel Selection Panel, and I sincerely congratulate them for their demonstrated achievement, commitment to their profession and their service which we recognize today.

On that, Mr Oliver Smith – Queens Counsel – and Mr David Cadman – Queens Counsel – on behalf of Her Majesty the Queen, through my own Office, a very warm welcome, to a very well deserved place, at the Inner Bar.